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 2. The relationship between the Federal Register and Code of Federal Regulations.
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 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 26, at 9:00 a.m.

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Rules and Regulations

Federal Register

Vol. 53, No. 244

Tuesday, December 20, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Allocations of Sugar Import Quotas; Other Specified Countries or Areas

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule adopts, with a slight change, the interim rule that modified the allocation provisions governing sugar import quotas for those countries or areas which are designated as "Other Specified Countries and Areas" (more commonly known as the "basket category"). The change converts the maximum quota allocated to each country in the basket category from short tons to metric tons. Each such country will now receive an annual quota equal to its pro rata share of the percentage quota for the basket category, or 7,258 metric tons, raw value, whichever is greater.

EFFECTIVE DATE: January 1, 1989.

FOR FURTHER INFORMATION CONTACT:

John Nuttall, Foreign Agricultural Service, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447-2916.

SUPPLEMENTARY INFORMATION: This rule involves a foreign affairs function of the United States. Accordingly, the provisions of 5 U.S.C. 553 do not apply and no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule has been reviewed under Department of Agriculture procedures required by Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" since the rule does not have any of the effects specified in those documents.

Presidential Proclamation No. 4941 of May 5, 1982 (47 FR 19661) established a

country-by-country quota system for the importation of sugar into the United States. Under the import quota allocation provisions established by the Proclamation, each country was allocated a specific percentage of the quota if that percentage was .7 percent or greater. A specified percentage of the total quota amount was allocated to a group of countries designated as "Other Specified Countries and Areas" (more commonly known as the "basket category"). The total quota allocated to the basket category was pooled and each country competed on a first-come-first-serve basis for the entire allocation.

Proclamation No. 4941 further provided that notwithstanding the allocation provisions set forth in the Proclamation, the Secretary of Agriculture may, after consultation with the U.S. Trade Representative, the Department of State, and the Department of the Treasury, issue regulations modifying the allocation provisions governing "Other Specified Countries and Areas" if the Secretary determines that such modifications are appropriate to provide such countries and areas reasonable access to the United States sugar market.

The Secretary issued such regulations to provide that each country in the basket category would have a specific annual quota equal to its pro rata share of the quota allocated to the basket category, or a fixed amount, whichever was greater (7 CFR 6.90 through 6.93). These regulations were last amended by an interim rule published on July 27, 1988 (53 FR 28180) to increase that fixed amount to 8,000 short tons, raw value.

No comments were received in connection with that interim rule. This final rule adopts that interim rule with a change to reflect that the quota is now expressed in metric tons rather than short tons.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Foreign trade, Imports, Quotas, Sugar.

Accordingly, the interim rule amending 7 CFR Part 6 Subpart-Sugar Import Quotas published at 53 FR 28180 on July 27, 1988, is adopted as a final rule with the following change:

PART 6—[AMENDED]

1. The authority citation for Part 6, Subpart-Sugar Import Quotas, is revised to read as follows:

Authority: Section 201, Trade Expansion Act of 1962 (19 U.S.C. 1821); Presidential Proclamation 4941, May 5, 1982 (47 FR 19661); additional U.S. notes 2 and 3 to Chapter 17 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202; 19 U.S.C. 3004).

2. Section 6.91(a)(2) is revised to read as follows:

§ 6.91 Allocation of individual import quotas.

(a) * *

(2) 7,258 metric tons, raw value.

* * * * *

Signed at Washington, D.C. on December 15, 1988.

Peter C. Myers,

Acting Secretary of Agriculture.

[FR Doc. 88-29152 Filed 12-15-88; 4:31 pm]

BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 1210

[WRPA Docket No. 1; FV-88-063]

Procedures for the Conduct of Referenda in Connection With the Watermelon Research and Promotion Plan and for Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Such Plan

AGENCY: Agricultural Marketing Service (USDA).

ACTION: Interim final rule with request for comments.

SUMMARY: The Watermelon Research and Promotion Act [7 U.S.C. 4901-4916] authorizes a program of research and promotion to be developed through the promulgation of a plan. The Administrator recently recommended that a plan be issued. The Secretary's decision is being published in the Federal Register concurrently with this interim final rule. To become effective, however, the plan must be approved by watermelon producers and first handlers in a referendum. This rule specifies procedures for the conduct of the initial referendum to determine if producers and handlers favor implementation of the plan. These procedures would also apply to any subsequent referenda to amend, continue, or terminate the proposed plan should it be implemented. This rule also contains rules of practice governing proceedings on petitions to

modify or to be exempted from the proposed plan.

DATES: This interim final rule is effective December 20, 1988. Comments must be received by January 4, 1989.

ADDRESSES: Comments should be sent to: Docket Clerk, U.S. Department of Agriculture, P.O. Box 96456, Room 2085-South, Washington, DC 20090-6456. A copy of comments received will be made available for public inspection at the office of the Docket Clerk during regular business hours. Comments concerning the information and paperwork requirements of these subparts should be sent to Lisa Grove, Office of Information and Regulatory Affairs, Room 3228, Office of Management and Budget, Washington, DC, 20503.

FOR FURTHER INFORMATION CONTACT: Arthur L. Pease, Marketing Order Administration Branch, P.O. Box 96456, Room 2525-South, Washington, DC 20090-6456; telephone (202) 475-3915.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been designated a "non-major" rule under criteria contained therein.

This action has also been reviewed under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*]. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

This rule establishes procedures for the conduct of a referendum to determine whether the proposed Watermelon Research and Promotion Plan should be issued. It permits all eligible producers and handlers of watermelon to vote. Participation in the referendum is voluntary. Votes may be cast in person at county offices of the Extension Service. These procedures would also apply to any subsequent referenda to amend, suspend, or terminate the plan, or any provision thereof, should the proposed plan be implemented.

This rule also establishes rules of practice governing proceedings on petitions to modify, or be exempted from, the proposed Watermelon Research and Promotion Plan. Such petitions may be made by any person subject to the plan and must be based on the belief that the plan, or a provision of the plan, or any obligation imposed in connection with the plan, is not in accordance with law.

The Administrator of the Agricultural Marketing Service (AMS) has determined that this rule will not have a

significant economic impact on a substantial number of small entities.

The Watermelon Research and Promotion Act [Title XVI, Subtitle C of Pub. L. 99-198, 99th Congress, effective January 1, 1986, 7 U.S.C. 4901-4916] authorizes the development of nationally coordinated programs of market research and promotion designed to improve the position of watermelons in the marketplace. A public hearing was held on the proposed research and promotion plan in February 1987. Based on the record of the hearing, a recommended decision was issued on March 18, 1988, and published in the *Federal Register* on March 24, 1988 [53 FR 9637]. The period for filing written exceptions to the recommended decision ended May 23, 1988. The Secretary's decision is being published in the *Federal Register* concurrently with this action. The Act requires that a referendum be held to determine whether affected producers and handlers favor the proposed plan.

This rule establishes procedures to be followed by the Department in conducting referenda to determine whether producers and first handlers favor issuance of the proposed Watermelon Research and Promotion Plan. In addition, referenda may be conducted by the Secretary at any time, or at the request of the proposed National Watermelon Promotion Board or 10 percent or more of producers and handlers to determine if producers and handlers favor termination or suspension of the plan. The provisions include sections on definitions, voting, instructions for referendum agents and subagents, ballots, the referendum report and the confidentiality of information.

Persons voting in the referendum would certify their eligibility to vote, and would designate their status as either a watermelon producer or handler. Producers would certify the amount of watermelon acreage they harvested during the representative period of January 1, 1988 through December 31, 1988. Only producers of five or more acres of watermelons during this representative period would be eligible to vote in the referendum. Both producers and handlers would record the hundredweight volume of watermelons they produced or handled during the representative period. These figures would be used to determine the results of the voting based on volume of watermelons produced and handled by those voting.

The vote of a person who both produces and handles watermelons would be counted as a producer vote if that person handles 50 percent or less of

that person's own production during the representative period. If the person handles more than 50 percent of that person's own production during the representative period, then that person's vote should be counted as a handler vote. This determination is consistent with testimony provided at the public hearing regarding the Board member nomination process.

In addition, this rule contains rules for proceedings on petitions to modify or be exempted from the proposed plan. Section 1650 of the Act provides that any person subject to the Act may file a written petition with the Secretary stating that the plan or any provision of the plan is not in accordance with law. The person may request a modification of the plan or an exemption from certain provisions or obligations of the plan. The person shall be given an opportunity for a hearing on the petition, in accordance with regulations prescribed by the Secretary.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) and section 3504(h) of that Act, the information and paperwork requirements contained in these subparts have been submitted to OMB for review. It is estimated that a total of as many as 7,000 watermelon producers and handlers would be eligible to vote in the referendum, and that it would take an average of 15 minutes for each producer and handler to complete the ballot questions. Comments concerning these requirements should be directed to Lisa Grove, Office of Information and Regulatory Affairs, Room 3228, Office of Management and Budget, Washington, DC 20503.

The rules of practice governing procedures for the conduct of referenda and the Secretary's decision and referendum order should be issued in advance of the referendum period which is scheduled to begin on February 6, 1989. Such prompt issuance of these actions is necessary because watermelon producers and handlers need to be informed, in advance of the referendum, of the procedures to be used in the referendum and of the terms of the proposed plan. Copies of the Secretary's decision, an order to accomplish the referendum, ballots and referendum instructions need to be printed and mailed in advance of the voting period. In addition, rules of practice governing proceedings on petitions to modify or to be exempted from the plan should be in place if the plan is approved. Therefore, pursuant to

5 U.S.C. 553, it is also found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register*. Also, a 15 day comment period is deemed adequate.

For the reasons set forth in the preamble, Part 1210 is established as follows:

Note.—These sections will not appear in the Code of Federal Regulations.

List of Subjects in 7 CFR Part 1210

Watermelon, Agricultural research, Agricultural promotion, Market development.

1. 7 CFR Part 1210, consisting of the subpart—Procedure for the Conduct of Referenda in Connection with the Watermelon Research and Promotion Plan [§§ 1210.200–1210.207], and the Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted from Such Plan [§§ 1210.250–1210.252], is added to read as follows:

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

Subpart—Procedure for the Conduct of Referenda in Connection with the Watermelon Research and Promotion Plan

Sec.	
1210.200	General.
1210.201	Definitions.
1210.202	Voting.
1210.203	Instructions.
1210.204	Subagents.
1210.205	Ballots.
1210.206	Referendum report.
1210.207	Confidential information.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Watermelon Research and Promotion Plan

1210.250	Words in the singular form.
1210.251	Definitions.
1210.252	Institution of proceeding.

Authority: 7 U.S.C. 4901–4916.

Subpart—Procedure for the Conduct of Referenda in Connection with the Watermelon Research and Promotion Plan

§ 1210.200 General.

Referenda to determine whether producers and handlers favor issuance, suspension or termination of a Watermelon Research and Promotion Plan shall be conducted in accordance with this subpart.

§ 1210.201 Definitions.

(a) "Act" means the Watermelon Research and Promotion Act, Title XVI, Subtitle C of Pub. L. 99–198, 99th Congress, effective January 1, 1986 (7 U.S.C. 4901–4916).

(b) "Secretary" means the Secretary of Agriculture, or any officer or employee of the Department of Agriculture to whom authority has been delegated or may be delegated, to act in the Secretary's stead.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may be delegated to act in the Administrator's stead.

(d) "Plan" means any plan or any amendment of a plan which may be issued pursuant to the Act;

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 1653 of the Act.

(g) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative or other entity. For the purposes of this definition, the term "partnership" includes (1) a husband and wife who have title to, or leasehold interest in, land as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and (2) so-called "joint ventures," wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing and handling of watermelons for market and the authority to transfer title to the watermelons so produced.

(h) "Producer" means any person, defined as a producer in the plan, who is engaged in the growing of five or more acres of watermelons during a representative period and either:

(1) Owns and farms land, resulting in ownership, by said producer, of the watermelons produced thereon;

(2) Rents and farms land, resulting in ownership, by said producer, of all or a portion of the watermelons produced thereon; or

(3) Owns land which said producer does not farm and, as rental for such land, obtains the ownership of a portion of the watermelons produced thereon.

Ownership of, or leasehold interest in, land and the acquisition, in any manner other than set forth in this subpart, of

legal title to the watermelons grown on said land, shall not be deemed to result in such owners or lessees becoming producers. Persons who produce watermelons for non-food uses are not "producers" for the purposes of this subpart.

(i) "Handler" means any person, defined as a handler in the plan, who is engaged in the handling of watermelons during the representative period as the first person performing a handling function, and either: (1) takes title or possession of watermelons from a producer and directs the grading, packing, transporting and selling of the watermelons in the current of commerce; (2) purchases watermelons wholesale from producers and sells to the retail trade at auction markets or farmers' markets: *Provided*, That harvest crews and common carriers who collect and transport watermelons from the field to a handler, and brokers or commission agents who arrange the sale of but do not take title or possession of watermelon, are not first handlers.

§ 1210.202 Voting.

(a) Each person who is a producer or handler as defined in this subpart, at the time of the referendum and who also was a producer or handler during the representative period, shall be entitled to only one vote in the referendum: *Provided*, That each producer is a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce watermelons in which more than one of the parties is a producer, shall be entitled to one vote in the referendum covering only that producer's share of the ownership; and *Provided further*, That the vote of a person who both produces and handles watermelons will be counted as a producer vote if that person handles 50 percent or less of that person's own production during the representative period, and that the vote of a person who both produces and handles watermelons will be counted as a handler vote if that person handles more than 50 percent of that person's own production during the representative period.

(b) Proxy voting is not authorized, but an officer or employee of a corporate producer or handler, or an administrator, executor or trustee of a producing or handling entity may cast a ballot on behalf of such entity. Any individual so voting in a referendum shall certify that that individual is an officer or employee of the producer or handler, or an administrator, executor, or trustee of a producing or handling

entity and that that individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) Each producer or handler shall be entitled to cast only one ballot in the referendum.

§ 1210.203 Instructions.

The referendum agents shall cause a referendum to be conducted, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions and designate subagents, not inconsistent with the provisions hereof, to govern the procedure to be followed by referendum agents. Such agents shall:

(a) Determine the time of commencement and termination of the period of the referendum.

(b) Determine procedures for casting ballots at county offices of the Extension Service.

(c) Give reasonable advance notice of referendum dates.

(d) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining:

(1) Whether the persons voting, or on whose behalf the vote is cast, is an eligible voter;

(2) The acreage and volume in hundredweight of watermelons produced by the voting producer during the representative period, and

(3) The volume of watermelons handled by the voting handler during the representative period.

(e) At the conclusion of the referendum, canvass the ballots, tabulate the results, and, except as otherwise directed, report the outcome to the Administrator and submit the following:

(1) All ballots received by agents and subagents, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by the referendum agents during the referendum period;

(2) A list of all ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and report thereon, including a statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 1210.204 Subagents.

The referendum agents may appoint, as subagent, any person or persons deemed necessary or desirable to assist

the agents in performing the agents' functions. Each person so appointed may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions.

(a) Give reasonable advance notice of the referendum by:

(1) Utilizing, without advertising expense, available media or public information sources (including, but not limited to, press and radio facilities serving the production area) to announce the dates of the referendum, the address of the county office of Extension Service used as the polling place, and the times such office will be open for voting, as well as the methods of voting, the eligibility requirements for voting, and other pertinent information regarding the referendum.

(2) Such other means as said subagents may deem advisable.

(b) Preside as poll officer at the county Extension Service office when ballots are cast.

(c) Make available to producers and handlers the instructions on voting, the appropriate ballot and certification forms, and, except in the case of a referendum on suspension or termination of a plan, a summary of the terms and conditions of the plan: *Provided*, That no person who claims to be eligible to vote shall be refused a ballot.

(d) Collect the completed ballots and provide for appropriate custody of such ballots.

(e) Provide for the delivery of completed ballots to the referendum agents.

§ 1210.205 Ballots.

The referendum agents and subagents shall accept all ballots cast; but should any one of them deem that a ballot should be challenged for any reason, said agent shall write on said ballot a statement to the effect that such ballot was challenged, by whom challenged, the reasons for the challenge, the results of any investigations made with respect to the challenge, and the disposition of the challenge. Invalid ballots shall not be counted.

§ 1210.206 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the referendum and its results.

§ 1201.207 Confidential information.

All ballots cast, the information contained on each ballot (whether or not relating to the identity of any person who voted or the manner in which any person voted), and all other information furnished to, compiled by, or in possession of, referendum agents and subagents shall be treated as confidential.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Watermelon Research and Promotion Plan

§ 1210.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1210.251 Definitions.

As used in this subpart, the terms as defined in the Act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) "Act" means the Watermelon Research and Promotion Act, Title XVI, Subtitle C of Pub. L. 99-198, 99th Congress, effective January 1, 1986 [7 U.S.C. 4019-4916];

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the Department of Agriculture to whom authority has been delegated or may be delegated, to act in the Secretary's stead;

(c) "Administrative law judge" or "judge" means any administrative law judge, appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved;

(d) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department of Agriculture to whom authority has been delegated or may be delegated, to act in the Administrator's stead;

(e) "Plan" means any plan or any amendment of a plan which may be issued pursuant to the Act;

(f) "Person" means any individual, partnership, corporation, association, or other entity subject to a plan or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under a plan.

(g) "Proceeding" means a proceeding before the Secretary arising under section 1650(a) of the Act;

(h) "Hearing" means that part of the proceedings which involves the submission of evidence;

(i) "Party" includes the Department of Agriculture;

(j) "Hearing clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.;

(k) "Decision" means the judge's report to the Secretary and includes the judge's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis thereof, (2) order, and (3) rulings on findings, conclusions and plans submitted by the parties; and

(l) "Petition" includes an amended petition.

§ 1210.252 Institution of proceeding.

(a) Filing and service petitions. Any person subject to a plan desiring to complain that any plan or any provision of any such plan or any obligation imposed in connection with the plan is not in accordance with law, shall file with the hearing clerk, in quintuplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition in writing the hearing clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) Contents of petitions. A petition shall contain:

(1) The correct name, address and principal place of business of the petitioner. If the petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the plan, or the interpretation or application of such terms or provisions, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement on the grounds on which the terms or provisions of the plan, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law; and

(5) Requests for the specific relief which the petitioner desires the Secretary to grant.

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) A motion to dismiss a petition—Filing, contents, and responses to a petition. If the Administrator is of the opinion that the petition, any portion thereof, does not substantially comply, in form or content, with the Act or with requirements of paragraph (b) of this section, the Administrator may, within 30 days after the filing of the petition, file with the hearing clerk a motion to dismiss the petition, or any portion of the petition, on one or more of the grounds stated in this paragraph. Such motion shall specify the grounds for objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The motion may be accompanied by a memorandum of law. Upon receipt of such motion, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such motion, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the motion to the judge for the judge's consideration.

(d) Further proceedings. Further proceedings on petitions to modify or to be exempted from the plan shall be governed by paragraph (c)(2) of § 900.52 through § 900.71 of the Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted From Marketing Orders and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference. However, each reference to "marketing order" in the title shall mean "plan."

Dated: December 15, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88-29203 Filed 12-16-88; 11:59 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

Foreign Banks

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: Section 346.23 of the FDIC Rules and Regulations specifies that country exposures by insured branches of foreign banks operating as such on November 19, 1984, must be within prescribed limits. The current deadline for compliance, December 31, 1988, is being extended by the Board of Directors until a date 30 days subsequent to notice that compliance is required.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT: Charles V. Collier, Assistant Director, Division of Bank Supervision, (202) 898-6850, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC previously twice extended the deadline for compliance with provisions concerning allowable exposures to foreign countries (§ 346.23 of the current FDIC Rules and Regulations), with the deadline for compliance now being year end 1988. The extensions of time were enacted in anticipation of the adoption by that date of a final regulation amending Part 346. A proposed regulation was published on October 20, 1988 (53 FR 41180), but a final regulation will not be completed by year end. Consequently, the FDIC will not require compliance until after 30 days prior notice that compliance will be required is given.

In accordance with 5 U.S.C. 553, the FDIC has found that prior notice and a delayed effective date with respect to this amendment are unnecessary, since the amendment delays the imposition of requirements that are already imposed by existing regulation. Since the amendment only provides for an extension of the deadline for compliance with certain portions of the regulation and imposes no burden upon banks or the public, it is not subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) or the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 12 CFR Part 346

Bank deposit insurance, Foreign banks, banking; Banks, banking; Reporting and recordkeeping requirements.

In consideration of the foregoing, the FDIC hereby amends Part 346 of title 12 of the Code of Federal Regulations as follows:

PART 346—FOREIGN BANKS

1. The authority citation for Part 346 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 3103, 3104, 3108.

2. Part 346 is amended by revising the third sentence of § 346.23 to read as follows:

§ 346.23 Country exposure concentrations.

*** Insured branches operating as such on November 19, 1984, will be required to reduce any existing excess exposure, including commitments; thirty days prior notice will be given before compliance is required.

By Order of the Board of Directors. Dated at Washington, DC, this 13th day of December, 1988.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 88-29205 Filed 12-19-88; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-152-AD; Amdt. 39-6093]

Airworthiness Directives; Honeywell Attitude and Heading Reference System AH-600, as Installed in, but Not Limited to, de Havilland Model DHC-8, British Aerospace Model BAe 125-800, Cessna Model 650, and Aerospatiale Model ATR 42-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Honeywell Attitude and Heading Reference Systems (AHRS), which requires installation of a modified strapdown attitude heading and reference unit (AHRU) in the pilot's attitude and heading system. This amendment is prompted by a report that an electrical overvoltage in the airplane electrical system caused both the pilot's and copilot's AHRU's to cut off attitude and heading information to the Electronic Flight Instrument System

(EFIS). This condition, if not corrected, could result in loss of attitude and heading displays for both pilots.

DATES: Effective January 9, 1989.

ADDRESSES: The applicable service information may be obtained from Honeywell, Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division, 5353 West Bell Road, Glendale, Arizona 85308. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert T. Razzeto, Aerospace Engineer, Systems and Equipment Branch, ANM-133L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5355.

SUPPLEMENTARY INFORMATION: There has been a report of a dual, simultaneous loss of Honeywell AH-600 strapdown Attitude Heading Reference System primary attitude and heading instrument displays at both the pilot and copilot instrument panels. During landing approach, the primary attitude and heading displays on both sides of the instrument panel went invalid, with "ATT FAIL" and "HDG FAIL" flagged, at the same time. The pilot landed using only the standby instruments. Reliable airplane attitude and heading information is essential for safe operation of the airplane.

The attitude and heading display loss has been determined to have been caused by a momentary electrical system overvoltage which caused both AHRU's to sense false gyro speed and to trip "off"; consequently, the EFIS display of attitude and heading ceased functioning. This caused both the pilot's and copilot's primary attitude and heading displays to go invalid.

A design change correcting this problem is incorporated in AHRU's Serial Numbers 0278 and subsequent. A modification, "Mod F," has been developed which corrects AHRU's Part Numbers 7003360-931, -932, -933, -934, -935, and -936 (Serial Numbers 0100-0277) that are in service.

The FAA has reviewed and approved Honeywell Service Bulletin 7003360-34-32, dated August 2, 1988, which describes modification of circuit card assemblies to prevent false gyro speed failure flag indications during abnormal DC power surges.

Since this situation is likely to exist or develop on other airplanes with certain

Honeywell AH-600 strapdown AHRU's installed, this AD requires installation of an attitude and heading reference unit in the pilot's AHRS which has Mod Level "F" incorporated, or modification of the AHRU in accordance with the Honeywell service bulletin previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Honeywell, Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division, (Sperry Corporation): Applies to the Honeywell AH-600 strapdown Attitude and Heading Reference Unit (AHRU), Part Numbers 7003360-931, -932, -933, -934, -935, or -936, with Serial Numbers 0100 through 0277.

Note.—These systems are known to be installed in, but not limited to, the following airplanes: de Havilland Model DHC-8, British Aerospace Model BAe 125-800, Cessna Model 650, and Aerospatiale Model ATR42-300 series airplanes.

Compliance is required as indicated, unless previously accomplished.

To eliminate the possibility of the primary attitude and heading displays on both sides of the instrument panel failing simultaneously, accomplish the following:

A. Within 10 calendar days after the effective date of this AD, inspect airplanes with the Honeywell AH-600 AHRU installed to determine the part number, serial number, and Mod Level of the strapdown AHRU installed in the pilot's (Number 1) AHRU. Prior to further flight, after inspection, remove all AHRU Part Numbers 7003360-931, -932, -933, -934, -935, and -936, with the Serial Number 0100 through 0277, without Mod Level "F," from service in the pilot's (Number 1) AHRU. Install the same part number with Mod Level "F" incorporated, or modify the AHRU in accordance with Honeywell, Inc., Service Bulletin 7003360-34-32, dated August 2, 1988.

Note.—Serial numbers on the strapdown AHRU are eight digit numbers; the first four are a date code and the last four are the individual unit identifier. Serial numbers referred to in this AD are the last four numbers of the serial number.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—This request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes during daylight hours in visual meteorological conditions to a base in order to comply with requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Honeywell, Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division, 5353 West Bell Road, Glendale, Arizona 85308. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft

Certification Office, 3229 East Spring Street, Long Beach, California.

This Amendment becomes effective January 9, 1989.

Issued in Seattle, Washington, on December 9, 1988.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88-29149 Filed 12-19-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-NM-118-AD; Amdt. 39-6094]

Airworthiness Directives: Aerospatiale Model ATR-42-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Aerospatiale Model ATR-42-300 series airplanes, which requires modification of the engine and propeller control cables by adding a sealing sheath and protective sleeve, and installation of a deflector on the engine aft upper cowling below the zone ventilation air inlet. This amendment is prompted by reports of accumulation of water in the engine and propeller control cables causing corrosion and/or the formation of ice in the cables. This condition, if not corrected, could lead to malfunction of the engine and propeller controls.

DATE: Effective February 3, 1989.

ADDRESSES: The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. William L. Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to Model ATR-42-300 series airplanes, which requires modification of the engine and propeller control cables by adding a sealing sheath and protective sleeve, and installation of a deflector on

the engine aft upper cowling below the zone ventilation air inlet, was published in the *Federal Register* on September 20, 1988 (53 FR 36466).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 35 airplanes of U.S. registry will be affected by this AD, that it will take approximately 18 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$25,200.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities because of the minimal cost of compliance per airplane (\$720). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Aerospatiale: Applies to Model ATR42-300 series airplanes, as listed in Aerospatiale Service Bulletins ATR42-76-0002, Revision 1, dated May 16, 1988, and ATR42-54-0008, Revision 1, dated March 25, 1988, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent malfunction of the engine and propeller controls, accomplish the following:

A. Within 60 days after the effective date of this AD, modify engine and propeller push-pull control cables on left and right engines by adding a sealing sheath and protective sleeve, in accordance with Aerospatiale Service Bulletin ATR42-76-0002, Revision 1, dated May 16, 1988.

Note: Aerospatiale Service Bulletin ATR42-76-0002, dated May 16, 1988, references Teleflex, Syneravia Service Bulletin Number TFX 76.076 for the accomplishment instructions for modification of the engine and propeller push pull control cables.

B. Within 60 days after the effective date of this AD, install a deflector on the engine aft upper cowling below the zone ventilation air inlet on the left and right engines, in accordance with Aerospatiale Service Bulletin ATR42-54-0008, Revision 1, dated March 25, 1988.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Standardization Branch, ANM-113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 3, 1989.

Issued in Seattle, Washington, on December 9, 1988.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88-29150 Filed 12-19-88; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION**16 CFR Part 13**

[Docket C-3238]

American Stores Company et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order allows, among other things, American Stores Company, a Dublin, CA. corporation, to acquire Lucky Stores, Inc. Respondent is required to divest between 31 and 37 grocery stores in California and also required to obtain FTC approval before making certain grocery store acquisitions.

DATE: Complaint and Order issued August 31, 1988.¹

FOR FURTHER INFORMATION CONTACT: Joan S. Greenbaum, FTC/S-3302, Washington, DC 20580, (202) 326-2629.

SUPPLEMENTARY INFORMATION: On Thursday, June 2, 1988, there was published in the *Federal Register*, 53 FR 20127, a proposed consent agreement with analysis in the Matter of American Stores Company, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock Or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5-20 Federal Trade Commission Act. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general; § 13.533-50 Maintain means of communication.

List of Subjects in 16 CFR Part 13

Supermarkets, Trade practices.

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 88-29143 Filed 12-19-88; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3239]

Robert E. Harvey, M.D., P.A., d/b/a Victoria Allergy and Asthma Clinic, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a group of Victoria, TX, allergists from impeding the use of any allergy testing product by any physician, clinic, hospital, ambulatory care center or other health facility in order to restrict competition from physicians who are not allergists. Respondents are also prohibited from boycotting the manufacturers that produce allergy testing devices used by physicians who are not allergy specialists.

DATE: Complaint and Order issued August 26, 1988.¹

FOR FURTHER INFORMATION CONTACT: Erika R. Wodinsky, FTC, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103. (415) 995-5220.

SUPPLEMENTARY INFORMATION: On Wednesday, May 11, 1988, there was published in the *Federal Register*, 53 FR 16727, a proposed consent agreement with analysis in the Matter of Robert E. Harvey, M.D., P.A., d/b/a Victoria Allergy and Asthma Clinic, Robert E. Harvey, M.D. and Gullapali K. Rao, as individuals, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

and desist in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Boycotting Seller-Suppliers: § 13.302 Boycotting seller-suppliers. Subpart—Coercing And Intimidating: § 13.345 Competitors; § 13.360 Distributors of competitors; § 13.375 Suppliers of competitors. Subpart—Combining Or Conspiring: § 13.384 Combining or conspiring; § 13.385 To boycott seller-suppliers; § 13.470 To restrain and monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-50 Maintain means of communication; § 13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints.

List of Subjects in 16 CFR Part 13

Allergists, Physicians, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,
Secretary.

[FR Doc. 88-29144 Filed 12-19-88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Disability Benefit Programs; Status of Rules

AGENCY: Social Security Administration, HHS.

ACTION: Notice of status of the rules for considering vocational factors in evaluating Social Security disability claims (Medical-Vocational Rules).

SUMMARY: In the preamble to the final regulations on the "Rules for Adjudicating Disability Claims in Which Vocational Factors Must Be Considered," published November 28, 1978 at 43 FR 55349, we stated that we planned to monitor the performance and validity of the medical-vocational rules. This notice announces the results of our monitoring of the performance of the medical-vocational rules and an update as to their current validity.

FOR FURTHER INFORMATION CONTACT: Jack Wesolowski, Social Security

Administration, 3-D-6 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235; (301) 965-9142.

SUPPLEMENTARY INFORMATION: In the preamble to the final regulations on the "Rules for Adjudicating Disability Claims in Which Vocational Factors Must Be Considered," published November 28, 1978 at 43 FR 55349, we stated on page 55357 that " * * * we plan to monitor the disability program to make sure there are no unforeseen effects. Quality control findings, which were noted during the evolution of the policy system, will be a part of the monitoring effort." It was further stated on page 55361 that "While we do not anticipate any major changes of job incidence or other occupational data, if later analyses indicate that any rules should be restructured, the public will be notified." The purpose of this notice is to address both statements, providing the public with a review of the performance of the medical-vocational rules and an update as to their current validity.

Two distinct sources provided the bulk of the public comments on the medical-vocational rules (20 CFR Chapter III, Part 404, Subpart P, Appendix 2). Claimant advocacy groups feared that the medical-vocational rules were intended to "deliberate" the disability program at the expense of disabled persons in order to save trust fund moneys. At the other extreme, there was also a concern generated by newspaper articles which pictured the medical-vocational rules as a "liberalization" intended to pay benefits to nondisabled persons, thus improperly depleting the trust funds.

We have closely monitored the application of the medical-vocational rules since they became effective on February 26, 1979. Quality assurance data, gathered continuously from all regions of the country, have been compared with data which preceded publication of the medical-vocational rules and have shown no change in overall allowance/denial rates of disability claims where the medical-vocational rules are applicable. This supports our position that the medical-vocational rules have been reflective of longstanding adjudicative policies and would not have significant impact on the adjudicative outcomes. We will continue to monitor the application of the medical-vocational rules.

When the medical-vocational rules were published, the third edition of the "Dictionary of Occupational Titles" (DOT) (1965-66) and its companion volumes were the chief occupational reference sources of the disability

program. It was these sources that identified, at the various functional levels, the unskilled occupations which comprise the administratively noticed occupational base for decisions made under the medical-vocational rules. (More frequently published references, such as "County Business Patterns," which is published annually, have been used especially to support and document job incidence). The fourth edition of the DOT (1977-81), its companion volumes, and supplements (1982 and 1986) have replaced the third edition.

Some observers have referred to the changing economy and questioned the reality of a policy system that relies on an occupational reference source which is revised relatively infrequently. However, when we analyzed the fourth edition of the DOT in detail and compared it with the third edition, we found that while the numbers of individually identifiable occupations showed some variance, the range of work (of which the medical-vocational rules take administrative notice) continued to represent more occupations than would be required to represent significant numbers. We have received no significant data or other evidence to indicate that the unskilled occupational base as described in the text of the medical-vocational rules has changed substantially, and, therefore, have nothing to justify restructuring the medical-vocational rules on this basis. Nevertheless, it will continue to be our policy to analyze occupational data as they become available. As part of this ongoing process, the public will be notified biennially of the results of these reviews and the continued validity of the medical-vocational rules.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802, Social Security-Disability Insurance; and 13.807, Supplemental Security Income)

Dated: December 9, 1988.

Dorcas R. Hardy,

Commissioner of Social Security.

[FR Doc. 88-29148 Filed 12-19-88; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Large Harbor Tugs

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Under Secretary of the Navy has determined that Large Harbor Tugs YTB-781, YTB-785, YTB-812, YTB-826, and YTB-835 are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval vessels. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: December 6, 1988.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Under Secretary of the Navy, under authority delegated by the Secretary of the Navy, has certified that

Large Harbor Tugs YTB-781, YTB-785, YTB-812, YTB-826, and YTB-835 are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the location of the sternlight; Rule 24(c), pertaining to the towing lights displayed by power driven vessels when pushing ahead or towing alongside; Rule 27(b)(i), pertaining to the lights displayed by vessels restricted in their ability to maneuver; Annex I, section 2(a)(i), pertaining to the height above the hull of the masthead light; and Annex I, section 3(b), pertaining to the placement of the sidelights, without interfering with their special functions as naval vessels. YTB-781, YTB-785, YTB-812, YTB-826, and YTB-835 are tugs of special construction and functions. They perform towing services for naval vessels. The masts of these tugs are hinged and are lowered only when actually engaged in towing alongside or pushing ships having radically flared bows or sponsoned sides and sterns. When the mast is in the lowered position, the masthead lights, and task lights mounted on this mast, cannot be displayed. During such operations only the pilot house top-mounted auxiliary masthead light, sidelights, and sternlight will be

exhibited. The Under Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner differently from that prescribed herein will adversely affect the ships' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Three of § 706.2 is amended by adding the following vessels:

Vessel	Number	Masthead lights, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
YTB-781	YTB-781				2.56	13.41		
YTB-785	YTB-785				2.94	14.02		
YTB-812	YTB-812				3.03	14.02		
YTB-826	YTB-826				2.82	14.32		
YTB-835	YTB-835				3.00	14.02		

3. Paragraph 14, Table Four of § 706.2 is amended by adding the following vessels:

* * * * *

14. * * *

Vessel No.	Distance in meters of aux. masthead light below minimum required height. Annex I, § 2(a)(i)
YTB-781	3.66
YTB-785	4.47
YTB-812	4.04
YTB-826	3.89
YTB-835	4.04

Date: December 6, 1988.

Approved:
H. Lawrence Garrett III,
Under Secretary of the Navy.
[FR Doc. 88-29183 Filed 12-19-88; 8:45 am]
BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD 11-88-10]

Drawbridge Operation Regulations; Petaluma River, Petaluma, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of City of Petaluma, the Coast Guard is changing

the regulations governing the operation of the drawbridge; "D" Street Bridge, across the Petaluma River, mile 13.7, at Petaluma, California, by requiring that four hours advance notice of opening be given from 6 a.m. to 6 p.m. and 24 hours advance notice be given from 6 p.m. to 6 a.m. The bridge currently opens upon four hour advance notice at all times. This change is being made because the percentage of nighttime openings is decreasing and the City is seeking to reduce operating costs. This action will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: January 19, 1989.

FOR FURTHER INFORMATION CONTACT: Sharol Taylor, Bridge Administrator, Eleventh Coast Guard District at (415) 437-3514.

SUPPLEMENTARY INFORMATION: On September 2, 1988, the Coast Guard

published a notice of proposed rulemaking in the *Federal Register* (53 FR 34129) concerning this amendment. The Commander, Eleventh Coast Guard District, also published the proposal as a Public Notice dated August 26, 1988, which gave interested persons until October 17, 1988 to submit comments. In reviewing this regulation the Coast Guard noticed that they had omitted one category of vessels that need emergency openings, vessels in distress. That category of vessels has been included in the final regulation.

Drafting Information

The drafters of this notice are Sharol E. Taylor, project officer, and Lieutenant Commander J.J. Jaskot, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Comments

Two comments were received in response to the Public Notice. One mariner was opposed to the change stating that even the existing four hour notice was too long, but provided no other information. The other comment, from a recreational user, was in agreement with the 24 hour notice requirement for the hours from 6 p.m. to 6 a.m., but wanted openings upon demand on weekends from 6 a.m. to 6 p.m. Since this would be more costly than the existing regulation, it would not meet the objectives of the City of Petaluma. The bridge has been operated on advance notice since 1957.

Economic Assessment and Certification

These regulations are considered to be non-major under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The Coast Guard received no comments documenting adverse effects on businesses. Since the economic impact is minimal, the Coast Guard certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, the Coast Guard amends Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 117.187(b) is revised to read as follows:

§ 117.187 Petaluma River.

(b) The draw of the Petaluma highway bridge at "D" Street, mile 13.7 at Petaluma, shall open on signal if at least four hours notice is given for openings from 6 a.m. to 8 p.m., and if at least 24 hours notice is given for openings from 6 p.m. to 6 a.m. The draw shall open as soon as possible for vessels in distress and vessels, including commercial vessels, engaged in rescue or emergency salvage operations.

Dated: December 2, 1988.

J.W. Kime,
Rear Admiral, U.S. Coast Guard, Commander,
Eleventh Coast Guard District.

[FR Doc. 88-29172 Filed 12-19-88; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 796, 797, and 798

Toxic Substances Control Act Test Guidelines

CFR Correction

Beginning at 50 FR 39252, September 27, 1985, the Environmental Protection Agency published regulations which added Part 796, Chemical Fate Testing Guidelines, Part 797, Environmental Effects Testing Guidelines, and Part 798, Health Effects Testing Guidelines, to Title 40 of the Code of Federal Regulations (CFR). In the July 1, 1986, and July 1, 1987, revisions of Title 40 CFR (Part 700 to End) portions of the text of Parts 796, 797, and 798 were published incorrectly.

1. In the July 1, 1987, revision of Title 40 CFR (Part 700 to End), the following section of Part 796 is corrected.

§ 796.3140 [Corrected]

The word "are" is removed in the fourth line of paragraph (b)(2)(i)(C).

2. In the July 1, 1987, revision of Title 40 CFR (Part 700 to End), the following section of Part 797 is corrected.

§ 797.1560 [Corrected]

The reference "(b)(6)" is revised to read "(f)(4)" in the last line of paragraph (d)(1)(i).

3. In the July 1, 1987, revision of Title 40 CFR (Part 700 to End), the following sections of Part 798 are corrected.

§ 798.1150 [Corrected]

The word "Feed" is revised to read "Food" in the first and second lines of paragraph (f)(8).

§ 798.1175 [Corrected]

The word "feed" is revised to read "Food" in the third line of paragraph (f)(6)(ii) and in the second line of paragraph (f)(6)(iii).

§ 798.2250 [Corrected]

The word "Feed" is revised to read "Food" in the second line of paragraph (e)(9)(v) and in the first line of paragraph (f)(3)(ii)(D).

§ 798.2450 [Corrected]

The word "Feed" is revised to read "Food" in the second line of paragraph (d)(10)(v) and in the first line of paragraph (e)(3)(iv)(D).

The words "and or" are revised to read "or" in the last line of paragraph (d)(11)(ii)(B).

§ 798.2650 [Corrected]

The word "feed" is revised to read "food" in the second and fourth lines of paragraph (e)(8)(v) and the word "Feed" is revised to read "Food" in the first line of paragraph (f)(3)(ii)(D).

The word "or" is revised to read "of" in the third line of paragraph (e)(11)(iv).

§ 798.2675 [Corrected]

The word "feed" is revised to read "food" in the second line of paragraph (e)(8)(v) and the word "Feed" is revised to read "Food" in the first line of paragraph (f)(3)(ii)(D).

The words "and or" are revised to read "or" in the last line of paragraph (e)(9)(ii)(B).

§ 798.3260 [Corrected]

The word "Feed" is revised to read "Food" in the first line of paragraphs (b)(6)(iii)(C) and (c)(3)(i)(B)(4) and the word "feed" is revised to read "food" in the second and third lines of paragraph (b)(7)(vi).

§ 798.3300 [Corrected]

The word "Feed" is revised to read "Food" in the first line of paragraphs (b)(6)(iii)(C) and (c)(3)(i)(B)(4) and the word "feed" is revised to read "food" in the second and third lines of paragraph (b)(7)(v).

§ 798.3320 [Corrected]

The word "Feed" is revised to read "Food" in the first line of paragraphs (b)(6)(iii)(C) and (c)(3)(i)(B)(4) and the word "feed" is revised to read "food" in the second and third lines of paragraph (b)(7)(v).

The word "to" is removed from the fifth line of paragraph (b)(6)(iii).

§ 798.4350 [Corrected]

The word "Feed" is revised to read "Food" in the first line of paragraph (f)(3)(iii)(E).

§ 798.5200 [Corrected]

The abbreviation "EPPT" is revised to read "EPA's" in the seventh line of paragraph (g)(1).

§ 798.7100 [Corrected]

The words "more than one" are revised to read "several" in the eighth line of paragraph (c)(1)(i).

The words "no-observed-effect-level" are revised to read "no-effect-level" in the second line of paragraph (c)(2)(ii).

The word "and" is revised to read "or" in the last line of paragraph (c)(2)(iv).

"90 percent" is revised to read "95 percent" in the fourth line of paragraph (c)(3) and in the 11th line of paragraph (c)(5)(iii).

The abbreviation "e.g." is revised to read "i.e." in the 10th line of paragraph (c)(5)(iii) and in the fourth line of paragraph (c)(5)(iv)(A).

"1.5," is inserted after the word "hours," in the fourth line of paragraph (c)(5)(iv)(A).

In the last line of paragraph (c)(5)(iv)(A) after the words "this study," add the following sentence: "In the dog, quantities of label in urine and feces should be measured at appropriate intervals (i.e., every 6 hours for the first 48 hours after dosing and every 12 hours for the remaining 5 days) throughout the study for all animals."

In paragraph (c)(5)(iv)(B), insert the word "bone," before the word "brain" in the fifth line and insert the word "spleen," after the word "muscle," in the sixth line.

The words "those employed may" are revised to read "the rat and dog" in the 19th and 20th lines of paragraph (e).

BILLING CODE 1505-01-D

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the *Federal Register* for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
COLORADO	
Cherry Hills Village (city), Arapahoe County (FEMA Docket No. 6923)	
<i>Quincy Gulch:</i>	
Confluence of Blackmer Gulch	*5411
Approximately 30 feet upstream of Bellaire Street	*5454
Approximately 40 feet downstream of Dahlia Avenue	*5495
Maps are available for inspection at the Office of the Community Development Coordinator, City Hall, 2450 E. Quincy Avenue, Cherry Hills Village, Colorado.	
Columbine Valley (town), Arapahoe County (FEMA Docket No. 6923)	
<i>South Platte River:</i>	
Approximately 250 feet upstream of West Bowles Avenue	None
Approximately 1,200 feet downstream of the confluence with Lee Gulch	None
Approximately 1,900 feet downstream of Jackass Road	None
Maps are available for review at the Town Hall, 17A Fairway Lane, Littleton, Colorado.	
DeBeque (town), Mesa County (FEMA Docket No. 6927)	
<i>Roan Creek:</i>	
Approximately 1,200 feet downstream of County Road 44	*4909
Approximately 20 feet upstream of County Road 44	*4913
Approximately 1,360 feet upstream of County Road 44	*4918
Maps are available for review at Town Hall, 343 Minter Street, DeBeque Colorado.	
Englewood (city), Arapahoe County (FEMA Docket No. 6923)	
<i>South Platte River:</i>	
At Dartmouth Avenue	*5267
Approximately 420 feet downstream of West Hampden Avenue	*5267
Approximately 100 feet upstream of West Union Avenue	None
Approximately 2,120 feet upstream of West Union Avenue	None
Maps are available for review at the Engineering Services Department, 3400 South Elati Street, Englewood, Colorado.	
Glendale (city), Arapahoe County (FEMA Docket No. 6923)	
<i>Cherry Creek:</i>	
At Colorado Avenue	*5336

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 650 feet upstream of South Cherry Road.....	*5349	About 600 feet west of the intersection of Eastwood Drive and Newfound Harbor Drive.....	*3	Indian Harbour Beach (city), Brevard County, (FEMA Docket No. 6932)	
Maps are available for inspection at Engineering Department, City Hall, 950 South Birch, Glendale, Colorado.		Just west of the intersection of Acorn Street and Angel Avenue.....		<i>Banana River:</i> Along shoreline.....	*3
Sheridan (city), Arapahoe County (FEMA Docket No. 6923)		Maps available for inspection at the Planning and Development Services Department, 2575 North Courtney Parkway, Merritt Island, Florida.		<i>Indian River:</i> Along shoreline.....	*4
<i>South Platte River:</i>		Cape Canaveral (city), Brevard County (FEMA Docket No. 6932)		<i>Atlantic Ocean:</i>	
Approximately 420 feet downstream of West Hampden Avenue.....	*5269	<i>Atlantic Ocean:</i>		About 250 feet east of the intersection of State Road A1A and Atlantic Boulevard.....	*11
At the confluence of Bear Creek.....	*5272	Just east of the intersection of Washington Avenue and Ridgewood Avenue.....	*9	About 400 feet east of the intersection of State Road A1A and Ocean Dunes Drive.....	*15
Approximately 1,340 feet downstream of West Oxford Avenue.....	*5273	About 650 feet east of the intersection of Polk Avenue and Ridgewood Avenue.....	*14	Maps available for inspection at the City Hall, 2055 South Patrick Drive, Indian Harbour Beach, Florida.	
At West Union Avenue.....	None	<i>Banana River:</i>		Jacksonville Beach (city), Duval County (FEMA Docket No. 6937)	
Maps are available for review at the Building Department, 4101 South Federal Boulevard, Sheridan, Colorado.		Along Justamere Drive about 850 feet west of the intersection of Justamere Drive and North Atlantic Avenue.....	*3	<i>Atlantic Ocean:</i>	
FLORIDA		Along shoreline about 1100 feet west of the intersection of Center Street and North Atlantic Avenue.....	*5	About 250 feet east of intersection of Tenth Avenue North and 1st Street North.....	*14
Atlantic Beach (city), Duval County (FEMA Docket No. 6937)		Maps available for inspection at the City Hall, Cape Canaveral, Florida.		About 500 feet east of intersection of 37th Avenue South and Duval Drive.....	*20
<i>Sherman Creek Canal:</i>		Cape Canaveral Port Authority, Brevard County (FEMA Docket No. 6932)		<i>Intracoastal Waterway:</i>	
Just downstream of Unnamed Road.....	*8	<i>Atlantic Ocean/Canaveral Barge Canal:</i>		About 300 feet west of intersection of Seabreeze Avenue and Evans Drive.....	*5
Just upstream of Plaza Street.....	*9	At State Road 401.....	*7	About 0.9 mile west of intersection of Seabreeze Avenue and Evans Drive.....	*8
<i>Atlantic Ocean:</i>		About 3600 feet east of the intersection of South Jetty Drive and Herring Street.....	*14	Maps available for inspection at the City Hall, 11 North 3rd Street, Jacksonville Beach, Florida.	
About 350 feet east of intersection of Beach Avenue and 6th Street.....	*15	<i>Banana River:</i>		Malabar (town), Brevard County (FEMA Docket No. 6932)	
About 500 feet east of intersection of Beach Avenue and Atlantic Boulevard.....	*21	Just north of the intersection of Grouper Road and Cape Road.....	*3	<i>Turkey Creek Channel B:</i>	
<i>Intracoastal Waterway:</i>		Just north of the Cape Canaveral South gate entrance.....	*6	About 700 feet upstream of mouth.....	*14
About 2800 feet west of intersection of Main Street and Levy Road.....	*8	Maps available for inspection at the Cape Canaveral Port Authority Station Director's Office, 200 George King Boulevard, Cape Canaveral, Florida.		About 1.34 miles upstream of mouth.....	*18
About 1300 feet west of intersection of Main Street and Levy Road.....	*6	Cocoa (city), Brevard County (FEMA Docket No. 6932)		<i>Turkey Creek Channel C:</i>	
Maps available for inspection at the City Building, Atlantic Beach, Florida.		<i>Indian River:</i>		Just upstream of mouth.....	*14
Brevard County (unincorporated areas) (FEMA Docket No. 6932)		About 175 feet west of the intersection of Indian River Drive and MacFarland Drive.....	*4	About 1.1 miles upstream of mouth.....	*19
<i>St. John's River:</i>		Just east of the intersection of Mulberry Street and Indian River Drive.....	*6	<i>Turkey Creek Channel G:</i>	
About 11.1 miles downstream of the county boundary.....	*11	Maps available for inspection at the City Hall, 603 Brevard Avenue, Cocoa, Florida.		At mouth.....	*14
At county boundary.....	*24	Cocoa Beach (city), Brevard County (FEMA Docket No. 6932)		About .58 mile upstream of mouth.....	*19
<i>Kid Creek:</i>		<i>Banana River:</i>		<i>Turkey Creek Channel D:</i>	
Just downstream of U.S. Route 1.....	*5	Just west of the intersection of Palm Avenue and Olive Street.....	*2	At mouth.....	*14
About 0.63 mile upstream of William Avenue.....	*14	Just west of the west end of Sarasota Lane.....	*5	About .68 mile upstream of mouth.....	*17
<i>North Prong Creek:</i>		<i>Atlantic Ocean:</i>		<i>Goat Creek:</i>	
At mouth.....	*6	Just east of the intersection of Ocean Beach Boulevard and Gadsden Lane.....	*11	At mouth.....	*5
Just upstream of Wildon Road.....	*9	About 400 feet east of the intersection of Atlantic Boulevard and 2nd Street North.....	*16	About 2000 feet upstream of Unnamed Road.....	*11
<i>South Prong Creek:</i> Within community.....	*6	Maps available for inspection at the City Hall, Cocoa Beach, Florida.		<i>Indian River:</i>	
<i>Goat Creek:</i>		Indianlantic (town), Brevard County (FEMA Docket No. 6932)		About 200 feet east of intersection of Rocky Point Road and State Road 5.....	*6
At mouth.....	*5	<i>Indian River:</i>		Just east of intersection of South Rocky Point Drive and Rocky Point Road.....	*7
About 0.65 mile upstream of Leghorn Road.....	*24	About 300 feet west of the intersection of Michigan Avenue and Riverside Drive.....	*5	Maps available for inspection at the Town Hall, Malabar, Florida.	
<i>Crane Creek Diversion from St. John's River:</i>		About 350 feet west of the intersection of Palmetto Place and South Riverside Drive.....	*7	Melbourne (city), Brevard County (FEMA Docket No. 6932)	
Within community.....	*21	<i>Atlantic Ocean:</i>		<i>St. Johns River:</i> Within community.....	*20
<i>Eau Gallie River:</i>		About 300 feet east of the intersection of 2nd Avenue and State Road A1A.....	*11	<i>Eau Gallie River:</i>	
About 900 feet upstream of Eau Gallie Boulevard.....	*7	About 150 feet east of the intersection of Wave Crest Street and 11th Avenue.....	*15	At mouth.....	*4
About 2200 feet upstream of Wickham Road.....	*22	Maps available for inspection at the Town Hall, 216 5th Avenue, Indianlantic, Florida.		Just downstream of Wickham Road.....	*14
<i>Mosquito Lagoon:</i>				<i>Crane Creek:</i>	
At the intersection of Haulover Canal and State Road 3.....	*5			About 700 feet downstream of U.S. Route 1.....	*5
Along shoreline.....	*7			Just upstream of Evans Road.....	*21
<i>Atlantic Ocean:</i>				<i>Crane Creek Channel A:</i>	
About 200 feet north of the intersection of Northwest Drive and Northeast Drive.....	*9			At mouth.....	*12
About 350 feet east of the intersection of Orange Street and State Road A1A.....	*16			About 0.4 mile upstream of Airport Road.....	*22
<i>Banana River:</i>				<i>Crane Creek Channel B:</i>	
At the intersection of 14th Street and Palmer Court.....	*2			At mouth.....	*6
Along shoreline, about 2000 feet west of the intersection of Hangar Road and NASA Parkway East.....	*7			About 1800 feet upstream of South Fairway Drive.....	*16
<i>Indian River:</i>				<i>Indian River:</i>	
Just northeast of the intersection of State Road 5 and Pineda Expressway.....	*3			About 400 feet east of the intersection of Joret Street and Pineapple Avenue.....	*3
About 2000 feet northwest of the intersection of Country Road and Flounder Creek Road.....	*8			Just east of the intersection of Jernigan Avenue and Riverview Drive.....	*7
<i>Newfound Harbor:</i>				<i>Atlantic Ocean:</i>	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Melbourne Beach (town), Brevard County (FEMA Docket No. 6932)		Just east of the intersection of Bougainville Drive and Rockledge Drive.....	*6	Maps available for inspection at the County Clerk's Office, County Courthouse, Blackshear, Georgia.	
<i>Atlantic Ocean:</i>		Maps available for inspection at the City Hall, Rockledge, Florida.		IDAHO	
Along Ocean Avenue about 175 feet east of intersection with Atlantic Street.....	*13			McCall (city), Valley County (FEMA Docket No. 6927)	
About 300 feet east of the intersection of Atlantic Street and Ocean Avenue.....	*15	Satellite Beach (city), Brevard County (FEMA Docket No. 6932)		<i>North Fork Payette River:</i>	
<i>Indian River:</i>		<i>Atlantic Ocean:</i>		Approximately 1,450 feet downstream of West Lake Street/State Highway 55.....	*4,981
Just west of the intersection of South Riverside Drive and 1st Avenue.....	*6	About 200 feet east of the intersection of Ocean Spray Avenue and Sheppard Boulevard.....	*11	Approximately 880 feet downstream of West Lake Street/State Highway 55.....	*4,984
Along shoreline about 100 feet west of intersection of A Avenue and South Riverside Drive.....	*7	About 400 feet east of the intersection of Ocean Spray Avenue and Sheppard Boulevard.....	*15	Maps available for inspection at City Hall, 212 Park Street, McCall Idaho.	
Maps available for inspection at the Town Hall, 507 Ocean Avenue, Melbourne Beach, Florida.		<i>Indian River: Within community.....</i>	*3	INDIANA	
Melbourne Village (town), Brevard County (FEMA Docket No. 6932)		Maps available for inspection at the City Hall, 510 Cinnamon Drive, Satellite Beach, Florida.		Johnson County (unincorporated areas) (FEMA Docket No. 6927)	
<i>Crane Creek Diversion from St. John's River:</i>		Titusville (city), Brevard County (FEMA Docket No. 6932)		<i>West Fork White River:</i>	
About 400 feet upstream of Wickham Road.....	*21	<i>Shallow Flooding (due to ponding from rainfall):</i>		About 2,500 feet downstream of county boundary.....	*647
About 2400 feet upstream of Dayton Boulevard.....	*22	At the intersection of Cherrywood Lane and Hickory Hill Boulevard.....	*20	Just downstream of county boundary.....	*661
Maps available for inspection at the Town Hall 535 Hammock Road, Melbourne Village, Florida.		At the intersection of Crescent Drive and Melody Lane.....	*22	<i>Pleasant Run Creek:</i>	
Neptune Beach (city), Duval County (FEMA Docket No. 6937)		<i>Indian River:</i>		Just upstream of County Line Road.....	*678
<i>Atlantic Ocean:</i>		Just east of the intersection of Coquina Avenue and State Road 5.....	*3	About 1,500 feet upstream of State Route 135.....	*725
About 400 feet east of intersection of Seagate Avenue and 1st Street.....	*14	Just east of the intersection of Main Street and Indian River Avenue.....	*5	<i>Honey Creek:</i>	
About 500 feet east of intersection of Oak Street and 1st Street.....	*21	Maps available for inspection at the City Hall, Titusville, Florida.		At mouth.....	*657
<i>Intracoastal Waterway:</i>		Umatilla (city), Lake County (FEMA Docket No. 6927)		Just downstream of 700 North Road.....	*774
About 500 feet south of intersection of Kings Road and Indian Woods Drive.....	*5	<i>Lake Palm: Entire shoreline.....</i>	*80	<i>Turkey Pen Creek:</i>	
About 900 feet west of intersection of Kings Road and Indian Woods Drive.....	*6	<i>Lake Geneva: Entire shoreline.....</i>	*75	At mouth.....	*679
Maps available for inspection at the City Hall, 116 First Street, Neptune Beach, Florida.		<i>Lake Ella: Entire shoreline.....</i>	*71	About 1,400 feet upstream of 800 North Road.....	*730
Palm Bay (city), Brevard County (FEMA Docket No. 6932)		<i>Lake Mary: Entire shoreline.....</i>	*71	<i>Messersmith Creek:</i>	
<i>St. John's River: Within community.....</i>	*21	<i>Lake Enola: Entire shoreline.....</i>	*70	At mouth.....	*664
<i>Turkey Creek:</i>		<i>Lake Umatilla: Entire shoreline.....</i>	*70	About 2.4 miles upstream of 500 West Road.....	*699
Just upstream of U.S. Route 1.....	*5	<i>Crescent Lake: Entire shoreline.....</i>	*70	<i>Auburn Branch:</i>	
About 0.67 mile upstream of Port Malabar Boulevard.....	*14	<i>East Lake: Entire shoreline.....</i>	*80	At mouth.....	*718
<i>Turkey Creek Channel A:</i>		<i>Lake Pearl: Entire shoreline.....</i>	*80	Just downstream of Illinois Central Gulf Railroad.....	*731
At mouth.....	*9	<i>Lake Owen: Entire shoreline.....</i>	*70	<i>Driftwood River:</i>	
About 2100 feet upstream of Ketch Road.....	*19	<i>Muscle Lake: Entire shoreline.....</i>	*70	At county boundary.....	*658
<i>Turkey Creek Channel B: Within community.....</i>	*14	<i>Lake Yale: Entire shoreline.....</i>	*61	At confluence of Big Blue River.....	*660
<i>Turkey Creek Channel C: Within community.....</i>	*14	Maps available for inspection at the City Hall, Umatilla, Florida.		<i>Sugar Creek:</i>	
<i>Turkey Creek Channel C-76:</i>		West Melbourne (city), Brevard County (FEMA Docket No. 6932)		At mouth.....	*660
At mouth.....	*14	<i>St. John's River: Within community.....</i>	*20	About 1.32 miles upstream of Conrail.....	*686
About 1350 feet upstream of Charles Boulevard.....	*29	<i>Crane Creek Diversion from St. John's River:</i>		Maps available for inspection at the Office of Planning and Zoning, Courthouse Annex, 86 West Court, Franklin, Indiana.	
Just upstream of mouth.....	*14	Just upstream of John Rodes Boulevard.....	*21	IOWA	
Just upstream of Oaklyn Street.....	*17	Just downstream of Evans Road.....	*22	Clayton (city), Clayton County (FEMA Docket No. 6932)	
<i>Indian River:</i>		<i>Crane Creek:</i>		<i>Mississippi River:</i>	
Just east of the intersection of Herndon Circle and Anglers Drive.....	*6	Just upstream of Dairy Road.....	*19	At downstream corporate limits.....	*625
Just east of the intersection of Apollo II Boulevard and Harbor Boulevard.....	*7	About 2700 feet upstream of Dairy Road.....	*20	At upstream corporate limits.....	*626
Maps available for inspection at the City Hall, 2145 Palm Bay Road, NE., Palm Bay, Florida.		Maps available for inspection at the City Hall, 2285 Minton Road, West Melbourne, Florida.		Maps available for inspection at the City Hall, R.R. #2, Gamavillo, Iowa.	
Palm Shores (town), Brevard County (FEMA Docket No. 6932)		GEORGIA		Independence (city), Buchanan County (FEMA Docket No. 6932)	
<i>Indian River:</i>		Blackshear (city), Pierce County (FEMA Docket No. 6937)		<i>Wapsipicon River:</i>	
Along shoreline.....	*5	<i>Alabama River:</i>		About 1.1 miles downstream of Third Avenue S.E.....	*900
Maps available for inspection at the Mayor's Home, 5275 North Harbor Boulevard, Palm Shores, Florida.		About 2.0 miles downstream of CSX railroad.....	*78	About 1,900 feet upstream of Illinois Central Railroad.....	*911
Rockledge (city), Brevard County (FEMA Docket No. 6932)		About 0.1 miles upstream of U.S. Route 82.....	*84	<i>Malone Creek:</i>	
<i>St. John's River: Within community.....</i>	*18	Maps available for inspection at the City Hall, Blackshear, Georgia.		At mouth.....	*901
<i>Indian River:</i>		Pierce County (unincorporated areas) (FEMA Docket No. 6932)		About 1.1 miles upstream from Third Street N.E.....	*932
Along Old Dixie Highway about 0.61 mile south of the intersection of Floridaphia Avenue.....	*4	<i>Alabama River:</i>		Maps available for inspection at the City Hall, 331 First Street, East, Independence, Iowa.	
		About 0.8 mile upstream of mouth.....	*65	KENTUCKY	
		Just downstream of U.S. Route 82.....	*84	Nicholasville (city), Jessamine County (FEMA Docket No. 6932)	
		<i>Satilla River:</i>		<i>Town Fork:</i>	
		Just upstream of State Route 121.....	*71	About 4,900 feet downstream of John C. Watts Drive.....	*879
		At county boundary.....	*96	Just downstream of John C. Watts Drive.....	*898
				Just upstream of John C. Watts Drive.....	*904

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Just downstream of Norfolk Southern Building.....	*941	Approximately 1.1 miles downstream of Route J.....	*287	Just upstream of Basil Western Road.....	*837
Just upstream of Norfolk Southern Building.....	*947	Approximately 0.3 mile upstream of Bernard Road.....	*288	About 2,400 feet upstream of Poplar Creek Road.....	*952
About 3,680 feet upstream of John's Avenue.....	*970	<i>Shipley Slough:</i>		<i>Pawpaw Creek:</i>	
Maps available for inspection at the City Hall, 517 North Main Street, Nicholasville, Kentucky.		Approximately 0.4 mile downstream of St. Louis—San Francisco Railroad.....	*261	About 4000 feet downstream of confluence of Pawpaw Creek Tributary.....	*869
MAINE		At Elly Street.....	*261	About 2300 feet upstream of confluence of Pawpaw Creek Tributary.....	*872
Wayne (town), Kennebec County (FEMA Docket No. 6927)		<i>Kinnemore Slough Ditch:</i>		<i>Pawpaw Creek Tributary:</i>	
<i>Wilson Pond:</i> Entire shoreline within community.....	*245	Approximately 765 feet downstream of State Route 25.....	*245	Confluence with Pawpaw Creek.....	*869
<i>Dexter Pond:</i> Entire shoreline within community.....	*246	Approximately 0.8 mile upstream of St. Louis—Southwestern Railroad.....	*246	About 1500 feet upstream of confluence with Pawpaw Creek.....	*870
<i>Berry Pond:</i> Entire shoreline within community.....	*246	<i>Honey Cypress Creek:</i>		<i>Rush Creek:</i>	
<i>Androscoggin Lake:</i> Entire shoreline within community.....	*286	Approximately 1.27 miles downstream of State Route 164.....	*242	About 1.4 miles downstream of Hansley Road.....	*770
<i>Pocasset Lake:</i> Entire shoreline within community.....	*289	Approximately 3.1 miles upstream of St. Louis—Southwestern Railroad.....	*246	About 1.2 miles upstream of Swartz Mill Road.....	*774
<i>Pickering Pond:</i> Entire shoreline within community.....	*289	Maps available for inspection at the Dunklin County Courthouse, Kennett, Missouri.		Just upstream of Marietta Road.....	*796
<i>Lovejoy Pond:</i> Entire shoreline within community.....	*305			About 1300 feet upstream of Conrail.....	*808
Maps available for inspection at the Selectman's Office, Wayne, Maine.				<i>Little Rush Creek:</i>	
MICHIGAN				About 400 feet downstream of Conrail.....	*769
Nottawa (township), St. Joseph County (FEMA Docket No. 6927)		NORTH CAROLINA		About 1.1 miles upstream of State Route 664.....	*902
<i>St. Joseph River:</i> Within community.....	*829	Hoke County (unincorporated areas) (FEMA Docket No. 6927)		<i>Tributary A:</i>	
<i>Prairie River:</i>		<i>Raft Swamp:</i>		Confluence with Rush Creek.....	*772
Just upstream of Findley Road.....	*831	About 2,750 feet downstream of SR 1105.....	*194	About 1600 feet upstream of Carpenter Road.....	*819
Just downstream of Fillmore Road.....	*832	About 3,300 feet upstream of State Road 211.....	*206	<i>Tributary B:</i>	
Maps available for inspection at the Township Hall, 112 South Clark, Centreville, Michigan.		<i>Puppy Creek:</i>		Confluence with Rush Creek.....	*773
MINNESOTA		At mouth.....	*147	Just downstream of Paradise Road.....	*791
Bigfork (city), Itasca County (FEMA Docket No. 6932)		About 1.5 miles upstream of U.S. Route 401.....	*205	<i>Baltimore Tributary:</i>	
<i>Big Fork River:</i>		<i>Rockfish Creek:</i>		Just upstream of Conrail.....	*852
About 1.31 miles downstream of the confluence of Rice River.....	*1305	At county boundary.....	*123	Just downstream of Royley Road.....	*869
About 0.78 mile upstream from Cedar Street.....	*1307	About 1,950 feet upstream of confluence of Mill Creek.....	*206	<i>Raccoon Run:</i>	
<i>Rice River:</i>		Maps available for inspection at the County Courthouse, Raeford, North Carolina.		Just upstream of State Route 664.....	*793
At mouth.....	*1306			Just downstream of Schwilk Road.....	*837
About 800 feet upstream of Cemetery Road.....	*1306	NORTH DAKOTA		Just upstream of Conrail, about 100 feet upstream of Schwilk Road.....	*842
Maps available for inspection at the City Hall, Bigfork, Minnesota.		Killdeer (city), Dunn County (FEMA Docket No. 6932)		Just downstream of State Route 37.....	*848
Isanti (city), Isanti County (FEMA Docket No. 6932)		<i>Spring Creek:</i>		<i>Turkey Run:</i>	
<i>Rum River:</i>		Approximately 1,500 feet downstream of Section Line Road.....	*2226	About 5600 feet downstream of Bethel Road.....	*788
About 2450 feet downstream of the confluence of Spirit Brook.....	*911	Backwater along Gumbo Creek, approximately 700 feet upstream of Section Line Road.....	*2228	About 2600 feet upstream of Bethel Road.....	*800
About 900 feet upstream of Wagon Road.....	*911	At the Burlington Northern Railroad.....	*2231	<i>Tributary H:</i>	
<i>Spirit Brook:</i>		Approximately 3,460 feet downstream of State Highway 22.....	*2241	Confluence with Little Rush Creek.....	*867
At mouth.....	*911	Approximately 1,800 feet upstream of State Highway 22.....	*2247	Just downstream of Lake Road.....	*901
Just downstream of Whiskey Road.....	*911	Approximately 6,000 feet upstream of State Highway 22.....	*2255	<i>Tributary I:</i>	
About 800 feet upstream of Fifth Avenue.....	*923	Maps available for inspection at City Hall, Railroad Street, Killdeer, North Dakota.		Confluence with Raccoon Run.....	*798
<i>Park Brook:</i>				Just downstream of State Route 37.....	*826
At mouth.....	*923	OHIO		<i>Hunters Run:</i>	
Just downstream of Wagon Road.....	*927	Fairfield County (unincorporated areas) (FEMA Docket No. 6932)		Just upstream of U.S. Route 22 at City of Lancaster corporate limits.....	*834
Just upstream of Wagon Road.....	*932	<i>Hocking River:</i>		Just downstream of Crumley Road.....	*879
About 1400 feet upstream of Third Avenue.....	*935	About 1,000 feet downstream of Chessie System.....	*763	Just upstream of Crumley Road.....	*885
Maps available for inspection at the City Hall, Isanti, Minnesota.		Just upstream of Campground Road.....	*839	About 400 feet upstream of a Private Drive which is an extension of Whaley Road.....	*926
MISSOURI		About 1.9 miles upstream of Campground Road.....	*877	<i>Pleasant Run:</i>	
Dunklin County (unincorporated areas) (FEMA Docket No. 6932)		<i>Hocking River Diversion:</i>		Confluence with Hocking River.....	*790
<i>Ditch No. 1:</i>		Confluence with the Hocking River.....	*770	About 1300 feet upstream of Beatty Road.....	*918
Approximately 0.5 mile downstream of U.S. Route 62.....	*280	About 1.0 mile upstream of the confluence with the Hocking River.....	*776	<i>Pleasant Run Lateral:</i> Confluence with Pleasant Run just downstream of Duffy Road.....	*829
Approximately 0.9 mile upstream of Broadwater Road.....	*283	<i>South Fork Licking River:</i>		<i>Ewing Run:</i>	
<i>Ditch No. 1 Tributary A:</i>		About 8,000 feet downstream of State Route 360.....	*884	About 4400 feet downstream of Rainbow Drive.....	*873
At downstream County boundary.....	*283	About 2,900 feet upstream of State Route 360.....	*891	About 1600 feet upstream of confluence of Ewing Run Lateral.....	*917
Approximately 50 feet upstream of St. Louis—Southwestern Railroad.....	*288	<i>Walnut Creek:</i>		<i>Fettlers Run:</i>	
<i>Ditch No. 1 Tributary B:</i>		Just upstream of County Route 6.....	*762	About 1.5 miles downstream of State Route 37.....	*835
At downstream County boundary.....	*284	Just downstream of Conrail.....	*784	About 3400 feet upstream of Rainbow Drive.....	*907
Approximately 25 feet upstream of St. Louis—Southwestern Railroad.....	*289	Just upstream of U.S. Route 33.....	*789	<i>Ohio Canal:</i>	
<i>Ditch No. 14:</i>		About 1,500 feet upstream of State Route 256.....	*870	Just upstream of Chessie System.....	*832
		<i>Little Walnut Creek:</i>		Just upstream of confluence of Lateral A.....	*842
		Confluence with Walnut Creek.....	*862	<i>Lateral A:</i>	
		About 2,000 feet upstream of State Route 188.....	*891	Confluence with Ohio Canal.....	*842
		<i>Poplar Creek:</i>		About 200 feet upstream of Farm Lane.....	*884
		Confluence with Walnut Creek.....	*803	<i>Lateral B:</i>	
		Just downstream of Basil Western Road.....	*832	Confluence with Ohio Canal.....	*841
				Just downstream of Upper Hocking Watershed Structure #6.....	*842
				Just upstream of Upper Hocking Watershed Structure #6.....	*849
				Just downstream of Coonpath Road.....	*853
				<i>Lateral C:</i>	
				Confluence with Ohio Canal.....	*834
				About 6100 feet upstream of U.S. Route 33.....	*862
				<i>Lateral D:</i>	
				About 2000 feet downstream of Wilson Road.....	*848
				About 1400 feet upstream of Farm Lane.....	*882
				<i>Blue Valley Lateral:</i>	
				Confluence with Hocking River.....	*772
				About 4500 feet upstream of Farm Lane.....	*798
				<i>Blacklick Creek:</i>	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At county boundary.....	*796	OKLAHOMA		Franklin (Township), Beaver County (FEMA Docket No. 6927)	
About 1800 feet upstream of Interstate 70.....	*836	Lone Grove (city), Carter County (FEMA Docket No. 6927)		Connoquenessing Creek:	
Maps available for inspection at the County Regional Planning Commission, County Court- house, Lancaster, Ohio.		Taliaferro Creek:		Approximately 2.7 miles downstream from State Route 85.....	*852
Lancaster (city), Fairfield County (FEMA Docket No. 6932)		Approximately 1.6 miles downstream of Myall Road.....	*834	At Fombell Road.....	*880
Hocking River:		At U.S. Route 70.....	*898	At upstream corporate limits.....	*899
About 1500 feet downstream of Sugar Grove Road.....	*807	Taliaferro Creek Tributary A:		Maps available for inspection at the Township Building, R.D. 1, Box 141, Fombell, Pennsylva- nia.	
Just upstream of Collins Road.....	*836	At confluence with Taliaferro Creek.....	*870		
Pleasant Run:		Approximately 0.2 miles upstream of Kelly Lane ..	*886		
Just upstream of Duffy Road.....	*819	Wolf Creek:			
Just downstream of Marietta Road.....	*842	At confluence with Cottonwood Creek.....	*824		
Baldwin Run:		At Newport Road.....	*892	Greensboro (Borough), Greens County (FEMA Docket No. 6927)	
At mouth.....	*812	Maps available for inspection at the City Hall, Highway 70 East, Lone Grove, Oklahoma.		Monongahela River:	
At confluence of Feters Run.....	*822			Approximately 766 feet downstream of the downstream corporate limits.....	*799
Ewing Run:		OREGON		At the upstream corporate limits.....	*800
At confluence with Baldwin Run.....	*822	Mitchell (city), Wheeler County (FEMA Docket No. 6932)		Maps available for inspection at the Borough Building, Greensboro, Pennsylvania.	
About 2400 feet upstream of Rainbow Drive.....	*913	Bridge Creek:			
Feters Run:		Approximately 400 feet downstream of U.S. Route 26 (at western corporate limits).....	*2710	Greenwood (Township), Columbia County (FEMA Docket No. 6932)	
At mouth.....	*822	Approximately 200 feet downstream of the west side crossing Old Highway (Business Loop Road).....	*2755	Little Fishing Creek:	
About 675 feet upstream of Granville Pike.....	*876	Approximately 60 feet downstream of east side crossing of Old Highway (Business Loop Road).....	*2801	At downstream corporate limits.....	*580
Tarhe Run:		At confluence with Keyes Creek.....	*2833	Approximately 950 feet downstream of L.R. 19054.....	*655
At mouth.....	*818	Approximately 1,900 feet upstream of the con- fluence with Keyes Creek (at southeastern corporate limits).....	*2882	Approximately 0.3 miles upstream of State Route 42.....	*712
About 1700 feet upstream of abandoned rail- road bridge.....	*847	Keyes Creek:		Green Creek:	
Hunters Run:		At confluence with Bridge Creek.....	*2833	At confluence of Little Green Creek.....	*623
At mouth.....	*821	Approximately 120 feet upstream of Prairie Road.....	*2845	Approximately 350 feet upstream of T-599.....	*673
Just downstream of Lincoln Avenue.....	*834	Approximately 520 feet upstream of Prairie Road (at eastern corporate limits).....	*2861	Maps available for inspection at the Greenwood Township Building, right off Pennsylvania Route 254, Millville, Pennsylvania.	
Lateral A:		Maps are available for review at City Hall, Mitchell, Oregon.		Lathrop (Township), Susquehanna County (FEMA Docket No. 6932)	
At mouth.....	*823			Martins Creek:	
About 1300 feet upstream of Hawthorne Drive.....	*869	PENNSYLVANIA		Approximately 200 feet downstream from the downstream corporate limits.....	*762
Lateral B:		Adams (Township), Butler County (FEMA Docket No. 6932)		Approximately 300 feet upstream from T-377.....	*804
At mouth.....	*824	Breakneck Creek:		At upstream corporate limits.....	*889
Just downstream of West Fair Avenue.....	*831	At downstream corporate limits.....	*959	Maps available for inspection at the R.D. 1, c/o James Pratt, Box 156A, Hop Bottom, Pennsyl- vania.	
Just upstream of West Fair Avenue.....	*836	At Township Route 391.....	*1,021		
Just downstream of Private Drive.....	*844	At upstream corporate limits.....	*1,057	Lenox (Township), Susquehanna County (FEMA Docket No. 6932)	
Just upstream of Private Drive.....	*849	Maps available for inspection at the Township Building, 75 Hutchman Road, Mars, Pennsylva- nia.		East Branch Tunkhannock Creek:	
About 1500 feet upstream of Hoffman Drive.....	*862			Approximately 0.7 mile upstream of Interstate Route 81.....	*964
Raccoon Run:		Callery (Borough), Butler County (FEMA Docket No. 6932)		Upstream corporate limits.....	*991
Just upstream of Conrail.....	*843	Breakneck Creek:		Maps available for inspection at Box 36, c/o Edward Pietriyk, Lenoxville, Pennsylvania.	
Just downstream of Marietta Road.....	*848	At downstream corporate limits.....	*959		
Lateral D:		At upstream corporate limits.....	*969	Marion (Township), Beaver County (FEMA Docket No. 6927)	
At mouth.....	*831	Maps available for inspection at the Borough Office, Main Street, Callery, Pennsylvania.		Connoquenessing Creek:	
About 1.5 miles upstream of West Fair Avenue.....	*868			At downstream corporate limits.....	*870
Maps available for inspection at the Municipal Building, 104 East Main Street, Lancaster, Ohio.		Clifford (Township), Susquehanna County (FEMA Docket No. 6932)		At upstream side of CONRAIL bridge.....	*892
Shelby (city), Richland County (FEMA Docket No. 6927)		East Branch Tunkhannock Creek:		At upstream corporate limits.....	*900
Black Fork Mohican River:		Approximately 80 feet downstream of down- stream corporate limits.....	*990	Maps available for inspection at the Township Secretary's residence, R.D. 2, New Brighton, Pennsylvania.	
Just downstream of CSX railroad.....	*1075	Approximately 1 mile upstream from confluence with Dundaff Creek.....	*1,082		
Just upstream of the confluence of West Branch.....	*1095	Dundaff Creek:		Mill Creek (Borough), Huntingdon County (FEMA Docket No. 6927)	
Tuby Run:		Confluence with East Branch Tunkhannock Creek.....	*1,052	Juniata River:	
At mouth.....	*1088	Upstream corporate limits.....	*1,100	Downstream corporate limits.....	*596
Just downstream of Conrail.....	*1091	Maps available for inspection at the residence of Mary T. Lewis, Clifford Township Secretary, Box 339, Clifford, Pennsylvania.		Upstream corporate limits.....	*599
Just upstream of Conrail.....	*1098			Maps available for inspection at the Borough Building, Valley Street, Mill Creek, Pennsylvania.	
Just downstream of Vernon Road.....	*1104				
Seltzer Park Creek:				Miller (Township), Huntingdon County (FEMA Docket No. 6927)	
At mouth.....	*1089			Standing Stone Creek:	
Just downstream of Private Drive.....	*1115			Approximately 450 feet downstream L.R. 31112.....	*684
Just upstream of Private Drive.....	*1122				
About 400 feet upstream of Mansfield Avenue.....	*1124				
West Branch Bear Run:					
About 2080 feet upstream of State Street.....	*1093				
About 0.79 mile upstream of State Street.....	*1102				
Hartman Bargheiser Ditch:					
At mouth.....	*1079				
About 1350 feet upstream of West Smiley Avenue.....	*1097				
West Branch:					
At mouth.....	*1094				
About 1250 feet upstream of South Gamble Street.....	*1097				
Maps available for inspection at the City Hall, 23 West Main Street, Shelby, Ohio.					

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 0.64 mile downstream from L.R. 31056.....	*699	Spruce Creek (township), Huntingdon County (FEMA Docket No. 6927)		Georgetown County (Unincorporated Areas) (FEMA Docket No. 6932).	
Maps available for inspection at the Huntingdon Township Secretary Patricia MacNeil's Home, L.R. 31042, Huntingdon, Pennsylvania.		<i>Juniata River:</i>		<i>Allston Creek Tributary No. 1:</i>	
Minersville (Borough), Schuylkill County (FEMA Docket No. 6927)		Approximately 1,800 feet downstream of the confluence with Spruce Creek.....	*761	Just upstream of U.S. Business Route 17.....	*11
<i>West Branch Schuylkill River:</i>		Approximately 2,250 feet upstream of State Route 45.....	*769	About 1.0 mile upstream of U.S. Route 17.....	*25
Approximately 1,155 feet downstream of Sunbury Street.....	*695	<i>Spruce Creek:</i>		<i>Allston Creek Tributary No. 2:</i>	
Approximately 1,000 feet upstream of Conrail Railroad Bridge.....	*702	At confluence with Juniata River.....	*765	Just upstream of U.S. Business Route 17.....	*11
Maps available for inspection at the Municipal Building, #2 E. Sunbury Street, Minersville, Pennsylvania.		Approximately 0.6 mile upstream of T-602.....	*827	About 1,400 feet upstream of Lee Street.....	*21
New Milford (township), Susquehanna County (FEMA Docket No. 6932)		Maps available for inspection at the Township Secretary's House, R.D. #1, Box 97, Tyrone, Pennsylvania.		<i>Atlantic Ocean:</i>	
<i>Salt Lick Creek:</i>		Union (township), Huntingdon County (FEMA Docket No. 6927)		About 3.7 mile upstream along the Santee River from the confluence of the South Santee River.....	*8
Downstream corporate limits.....	*990	<i>Juniata River:</i>		At Georgetown County/Horry County boundary along coastline.....	*23
0.4 mile upstream of L.R. 57062.....	*1,276	Approximately 0.6 mile downstream of abandoned bridge.....	*587	<i>Bells Swamp:</i>	
Maps available for inspection at the Township Building, New Milford, Pennsylvania.		Approximately 0.4 mile upstream of CONRAIL.....	*591	At mouth.....	*17
New Sewickley (township), Beaver County (FEMA Docket No. 6927)		Upstream of State Route 829.....	*601	Just upstream of State Route 249.....	*39
<i>Brush Creek:</i>		Maps available for inspection at Township Secretary Robert Fisher's home, Township Road #424 (off Hill Street), Union, Pennsylvania.		<i>Bells Swamp Tributary:</i>	
Just upstream of the Pennsylvania Turnpike.....	*924	Warriors Mark (Township), Huntingdon County (FEMA Docket No. 6927)		At mouth.....	*17
At upstream corporate limits.....	*973	<i>Warriors Mark Run:</i>		Just upstream of State Route 126.....	*31
Maps available for inspection at the Township Building, R.D. 1, Box 12, Miller Road, Rochester, Pennsylvania.		Approximately 3,580 feet downstream of Burkett Road.....	*1,031	<i>Black River:</i>	
Oneida (township), Huntingdon County (FEMA Docket No. 6927)		Approximately 270 feet upstream of State Route 550.....	*1,098	Just upstream of U.S. Route 701.....	*8
<i>Standing Stone Creek:</i>		<i>Little Juniata River:</i>		Just downstream of State Route 51.....	*12
Approximately 430 feet downstream of downstream crossing of State Route 26.....	*629	At downstream side of Legislative Route 07030.....	*814	<i>Boser Swamp:</i>	
Approximately 0.35 mile upstream of downstream crossing of State Route 26.....	*631	Maps available for inspection at the Warriors Mark Township Building (behind Larry Smith's house), Warriors Mark, Pennsylvania.	*856	At mouth.....	*20
At the confluence of Chilcoat Run.....	*645	SOUTH CAROLINA		Just downstream of State Route 35.....	*22
Approximately 0.2 mile upstream of upstream crossing of State Route 26.....	*647	City of Barnwell, Barnwell County (FEMA Docket No. 6927)		<i>Canaan Branch:</i>	
<i>Murray Run:</i>		<i>Salkohatchie River:</i>		At mouth.....	*9
Approximately 0.11 mile downstream of State Route 26.....	*680	About 700 feet downstream of CSX railroad.....	*165	Just downstream of State Route 318.....	*20
At upstream corporate limits.....	*691	About 2,000 feet upstream of CSX railroad.....	*168	<i>Chapel Creek:</i>	
<i>Chilcoat Run:</i>		<i>Turkey Creek:</i>		Just upstream of State Route 52.....	*8
At confluence of Standing Stone Creek.....	*645	About 1.3 miles downstream of Clinton Street.....	*154	About 2,000 feet upstream of U.S. Route 701.....	*22
Approximately 50 feet upstream of L.R. 31048.....	*654	Just downstream of Bryan Street.....	*168	<i>Chapel Creek Tributary No. 1:</i>	
Maps available for inspection at the Township Municipal Building, 115 Stone Creek Road, Huntingdon, Pennsylvania.		Just upstream of Bryan Street.....	*176	At mouth.....	*8
Orwigsburg (borough), Schuylkill County (FEMA Docket No. 6927)		About 0.9 mile upstream of Wellington Drive.....	*176	About 2,200 feet upstream of Woodlands Road.....	*11
<i>Mahannon Creek:</i>		<i>Jordan Branch:</i>		<i>Chapel Creek Tributary No. 2:</i>	
At downstream corporate limits.....	*535	About 0.52 mile downstream of Main Street (State Route 70).....	*198	At mouth.....	*8
Upstream side of State Route 443.....	*580	About 0.3 mile upstream of Main Street (State Route 70).....	*217	Just downstream of State Route 180.....	*19
Approximately 1,650 feet upstream of State Route 443.....	*600	Maps available for inspection at the City Hall, Barnwell, South Carolina.		<i>Chapel Creek Tributary No. 3:</i>	
Maps available for inspection at the Municipal Building, 209 N. Warren Street, Orwigsburg, Pennsylvania.		Georgetown (city), Georgetown County (FEMA Docket No. 6932)		At mouth.....	*9
Pine (township), Columbia County (FEMA Docket No. 6932)		<i>Whites Creek:</i>		Just downstream of State Route 180.....	*20
<i>Little Fishing Creek:</i>		About 0.9 mile downstream of CSX railroad.....	*9	<i>Chapel Creek Tributary No. 4:</i>	
At downstream corporate limits.....	*632	About 2600 feet upstream of Highmarket Street.....	*11	At mouth.....	*9
Approximately 1,500 feet upstream of State Highway 42.....	*712	<i>Whites Creek Tributary: Within community.....</i>	*10	About 1,000 feet upstream of State Route 180.....	*15
Maps available for inspection at Mr. Roger Gordner's residence, beside the Township Building, on Township Road #750, Millville, Pennsylvania.		<i>Winyah Bay/Sampit River:</i>		<i>Chapel Creek Tributary No. 5:</i>	
		Along Whites Creek from corporate limits to CSX railroad.....	*9	At mouth.....	*13
		<i>Winyah Bay:</i>		About 900 feet upstream of State Route 180.....	*16
		At intersection of U.S. Route 17 and Martin Street.....	*9	<i>Cypress Creek:</i>	
		At intersection of Front Street and Meeting Street.....	*9	At mouth.....	*8
		Along shoreline south of Sampit River.....	*14	About 1.1 miles upstream of U.S. Route 701.....	*12
		Maps available for inspection at the City Hall, 120 North Fraser Street, Georgetown, South Carolina.		<i>Cypress Creek Tributary No. 1:</i>	
				At mouth.....	*8
				About 2,400 feet upstream of confluence of Cypress Creek Tributary No. 2.....	*18
				<i>Cypress Creek Tributary No. 2:</i>	
				At mouth.....	*9
				About 750 feet upstream of State Route 820.....	*13
				<i>Parsonage Creek Tributary:</i>	
				Just upstream of U.S. Business Route 17.....	*11
				Just upstream of U.S. Route 17.....	*19
				<i>Pennyroyal Creek:</i>	
				At mouth.....	*9
				Just downstream of Pennyroyal Road.....	*9
				<i>Port Creek:</i>	
				Just upstream of State Route 36.....	*16
				At confluence of Boser Swamp.....	*20
				<i>Ports Creek:</i>	
				At mouth.....	*9
				Just downstream of U.S. Route 17A.....	*9
				<i>Pennyroyal Swamp:</i>	
				At confluence of Boser Swamp.....	*20
				Just 2.9 miles upstream of confluence of Boser Swamp.....	*34
				<i>Port Creek Tributary:</i>	
				At mouth.....	*17
				About 1.33 miles upstream of mouth.....	*40
				<i>Sampit River:</i>	
				At mouth.....	*14
				Just downstream of U.S. Route 17A.....	*9
				<i>St. Paul Branch:</i>	
				At mouth.....	*8
				Just downstream of U.S. Route 701.....	*20
				<i>St. Pauls Branch Tributary No. 1:</i>	
				At mouth.....	*8

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Just downstream of dam (about 1,400 feet upstream of mouth)	*8	At upstream corporate limits	*3,378	Approximately 0.8 mile upstream of State Route 600	*1,070
Just upstream of dam (about 1,400 upstream of mouth)	*13	<i>Tributary A:</i> Approximately 1,850 feet downstream of upstream corporate limits	*3,378	Approximately 1.0 mile upstream of State Route 600	*1,127
About 3,200 feet upstream of dam (about 1,400 feet upstream of mouth)	*17	At upstream corporate limits	*3,381	Maps available for inspection at the County Administrator's Office, County Courthouse, Madison, Virginia.	
<i>St. Pauls Branch Tributary No. 2:</i> At mouth	*8	<i>Tributary to Running Water Draw:</i> At confluence with Running Water Draw	*3,364	Richmond County (unincorporated areas) (FEMA Docket No. 6927)	
Just downstream of State Route 269	*12	Approximately 1,850 feet upstream of corporate limits at Playa C	*3,380	<i>Rappahannock River: Entire shoreline within community</i>	
<i>Turkey Creek:</i> At mouth	*9	<i>Playa F2: Entire area within corporate limits</i>	*3,386	Maps available for inspection at the Clerk's Office Record Room, County Office Building, Second Floor, 100 Court Street, Warsaw, Virginia.	
Just downstream of Pennyroyal Road	*9	Maps available for inspection at the Municipal Building, 901 Broadway, Plainview, Texas.		WEST VIRGINIA	
<i>Whites Creek:</i> At mouth	*9	Wellington (city), Collingsworth County (FEMA Docket No. 6932)		City of Paden (city), Tyler and Wetzel Counties (FEMA Docket No. 6927)	
Just downstream of old railroad grade	*17	<i>Wellington Tributary No. 1:</i> Approximately 200 feet upstream of Houston Street	*2,034	<i>Ohio River:</i> At downstream corporate limits	
<i>Whites Creek Tributary No. 1:</i> At mouth	*9	Approximately 1,200 feet upstream of Houston Street	*2,037	At upstream corporate limits	
About 1,800 feet upstream of mouth	*13	Maps available for inspection at the City Hall, Wellington, Texas.		*634	
<i>Whites Creek Tributary No. 2:</i> At mouth	*9	VIRGINIA			
About 2,550 feet upstream of mouth	*12	Culpeper (town), Culpeper County (FEMA Docket No. 6927)			
<i>Whites Creek Tributary No. 3:</i> At mouth	*9	<i>Mountain Run:</i> Approximately 2,000 feet downstream of Southern Railway			
About 0.95 mile upstream of mouth	*18	At U.S. Route 522 (Evans Street)			
<i>Whites Creek Tributary No. 4:</i> At mouth	*9	At upstream corporate limits at Lake Pelham Dam			
About 1,750 feet upstream of U.S. Route 17A	*17	Maps available for inspection at the Town Engineer's Office, 118 West Davis Street, Culpeper, Virginia.			
<i>Whites Creek Tributary No. 5:</i> At mouth	*10	Madison County (unincorporated areas) (FEMA Docket No. 6932)			
About 1,850 feet upstream of mouth	*18	<i>Hughes River:</i> At State Route 231			
<i>Whites Creek Tributary No. 6:</i> At mouth	*11	Approximately 1,580 feet downstream of State Route 681			
About 1.42 miles upstream of mouth	*18	Approximately 1,580 feet upstream of State Route 681			
<i>Whites Creek Tributary No. 7:</i> At mouth	*17	<i>Rose River:</i> At confluence with Robinson River			
About 2,500 feet upstream of mouth	*16	Approximately 1.1 miles upstream of confluence with Robinson River			
<i>Winyah Bay Tributary:</i> Just upstream of Belle Isle Lake Concrete Weir	*10	Approximately 1.8 miles upstream of confluence with Robinson River			
Just downstream of South Island Road	*12	Approximately 2.7 miles upstream of confluence with Robinson River			
Maps available for inspection at the Building Department, County Courthouse, Georgetown, South Carolina.		Approximately 3.4 miles upstream of confluence with Robinson River			
Lake View (town), Dillon County (FEMA Docket No. 6927)		Approximately 3.9 miles upstream of confluence with Robinson River			
<i>Bear Swamp Creek:</i> About 1,030 feet downstream of 1st Avenue		Approximately 4.2 miles upstream of confluence with Robinson River			
About 300 feet upstream of 4th Avenue		Approximately 4.4 miles upstream of confluence with Robinson River			
Maps available for inspection at the Town Hall, Lake View, South Carolina.		At USGS gage 01666500			
Pawleys Island (town), Georgetown County (FEMA Docket No. 6932)		Approximately 1.8 miles upstream of USGA gage 01666500			
<i>Atlantic Ocean:</i> At the intersection of Myrtle Avenue and Third Street		<i>Robinson River (Lower Reach):</i> Approximately 0.6 mile downstream of State Route 231			
About 800 feet north and 1,200 feet east of the intersection of the North Causeway and Myrtle Avenue		Approximately 1.6 miles upstream of State Route 231			
Maps available for inspection at the Pawleys Island Visitor's Center, North Causeway, Pawleys Island, South Carolina.		Approximately 0.6 mile upstream of State Route 670			
TENNESSEE		Approximately 150 feet upstream of State Route 643			
Copperhill (city), Pope County (FEMA Docket No. 6932)		Approximately 5.5 miles upstream of State Route 231			
<i>Ocoee River:</i> About 0.65 mile downstream of Fightingtown Creek		Approximately 6.4 miles upstream of State Route 231			
About 0.62 mile upstream of Fightingtown Creek		Approximately 2,100 feet downstream of State Route 600			
<i>Fightingtown Creek: Within community</i>		Approximately 1,300 feet upstream of State Route 600			
Maps available for inspection at the City Hall, Copperhill, Tennessee.					
TEXAS					
Plainview (city), Hale County (FEMA Docket No. 6932)					
<i>Running Water Draw:</i> At downstream corporate limits					

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
COLORADO	
Arapahoe County (unincorporated areas) (FEMA Docket No. 6923)	
<i>First Creek:</i> At Interstate 70	*5503
Approximately 4,000 feet downstream of Smith Road	*5540
Approximately 100 feet downstream of Smith Road	*5559
<i>Murphy Creek:</i> Approximately 3,100 feet downstream of Bump Road	*5663
Approximately 2,850 feet upstream of East Quincy Avenue	*5799
Approximately 3,500 feet downstream of Smokey Hill Road	*5987
<i>Piney Creek:</i> At Liverpool Street	*5814
Approximately 1,500 feet downstream of the confluence with Sampson Gulch	*5889
At Arapahoe/Elbert County Line	*5989
<i>Cottonwood Creek:</i> Approximately 70 feet Creek downstream of East Dry Creek Road	*5723
At County Line Road	*5786
<i>Little Dry Creek:</i> Approximately 800 feet downstream of South Forest Street	*5520
Approximately 50 feet downstream of South Kramenia Way	*5563
<i>Willow Creek:</i> At South Holly Street	*5538
At Homestead Parkway and Monalo Street	*5618
At County Line Road	*5708

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
Spring Creek:	
At confluence with Willow Creek	*5608
Approximately 425 feet downstream of East Mineral Avenue	*5635
At County Line Road	*5716
Lone Tree Creek:	
Approximately 3,700 feet downstream of Arapahoe Road	*5627
Approximately 3,600 feet downstream of County Airport Runway	*5728
Approximately 200 feet upstream of County Airport Runway	*5637
Greenwood Gulch:	
At Orchard Road	*5539
At South Quebec Street	*5608
Goldsmith Gulch:	
Just upstream of South Dayton Street	*5672
At East Arapahoe Road	*5769
Goldsmith Gulch West Tributary:	
Approximately 640 feet downstream of East Fair Avenue	*5558
At East Peakview Avenue	*5732
Big Dry Creek Tributary A:	
At confluence with Big Dry Creek	*5548
Approximately 100 feet downstream of East Jamison Avenue	*5610
At South University Boulevard	*5661
Lee Gulch:	
Approximately 700 feet upstream of East Mineral Avenue	*5575
At County Line Road	*5663
Cherry Creek:	
Approximately 1,380 feet downstream of East Liff Avenue	*5420
Approximately 1,975 feet upstream of East Liff Avenue	*5434
At Arapahoe/Denver County Line	*5454
Approximately 200 feet downstream of confluence with Piney Creek	*5620
At confluence with Happy Canyon Creek	*5680
Dutch Creek:	
Just downstream of South Platte Canyon Road	*5380
At Arapahoe/Jefferson County Line	*5398
SJCD 6100	
Approximately 100 feet downstream of Nevada Ditch	*5360
At Arapahoe/Jefferson County Line	*5426
SJCD 6200	
Approximately 100 feet upstream of City of Littleton Corporate Limit	*5380
Approximately 25 feet downstream of City of Littleton Corporate Limit	*5382
At Arapahoe/Jefferson County Line	*5418
South Platte River:	
Approximately 100 feet upstream of West Bowles Avenue	None
Approximately 700 feet downstream of the confluence with SJCD 6100	None
Approximately 780 feet upstream of the confluence with SJCD 6100	None
Just downstream of State Route 470	*5365
Maps are available for inspection at the Arapahoe County Planning Department, County Administration Building, 5334 S. Prince Street, Littleton, Colorado.	
Greenwood Village (city), Arapahoe County (FEMA Docket No. 6923)	
Prentice Gulch:	
At South Holly Street	*5517
Approximately 1,200 feet upstream of South Holly Street	*5519
Greenwood Gulch:	
Just upstream of South Quebec Street	*5609
Approximately 1,150 feet upstream of South Syracuse Street	*5666
Maps are available for inspection at Engineering Department, City Hall, 8060 South Quebec Street, Greenwood Village, Colorado.	

Issued: December 14, 1988.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

[FR Doc. 88-29155 Filed 12-19-88; 8:45 am]

BILLING CODE 6718-21-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 522, 552 and 553

[APD 2800.12 CHGE 59]

General Service Administration Acquisition Regulation; Implement FAC 84-34

AGENCY: Office of Acquisition Policy,
GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) Chapter 5, (APD 2800.12), is amended to revise section 501.105 to delete certain OMB control numbers relating to data collections that have been incorporated in the Federal Acquisition Regulation (FAR) and to change the section reference of GSA Form 618-D assigned OMB Control No. 1215-0149; to revise Part 522 to supplement the FAR by identifying the individuals in GSA who are responsible for making determinations regarding liquidated damages, to add text to identify the individuals responsible for requesting extensions of the period for application of wage determinations, to provide for the use of GSA Form 618-A, Transmittal of Contract Award, to inform contractors of their obligations under the labor standards clauses, to provide for submission of GSA Form 618-D, "Statement to be Submitted When Work is to be Performed Personally" (by contractors or subcontractors), to require reports to be submitted to the Department of Labor to be reviewed by the contracting director regarding contractor's compliance with the labor standards requirements, and to make other related changes; to revise Part 552 to delete sections 552.222-70 through 552.222-80 from the text and the clause matrixes; to revise Part 553 to delete reference to: GSA Form 2428, "Request for Authorization of Additional Classification(s), Rate(s), and Fringe Benefit(s)" which has been replaced by the Standard Form 1444, "Request for Authorization of Additional Classification and Rate" and GSAR Form 3017, "Labor Standards Interview," which has been replaced by Standard Form 1445, "Labor Standards Interview," and to illustrate revised

GSA Form 3505, "Labor Standards (Construction Contract)." The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: December 28, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. John Joyner, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4916.

SUPPLEMENTARY INFORMATION:

Background

This rule was not published in the Federal Register for public comment because it merely implemented the FAR FAC 84-34 which had already undergone the public comment process.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. This rule simply amends the GSAR as necessary to conform with the FAR as amended by FAC 84-34 by providing GSA contracting activities with internal operating procedures. Therefore, no regulatory flexibility analysis has been prepared. The information collection requirements contained in this rule have been approved by OMB under the Paperwork Reduction Act and assigned OMB Control Number 1215-0149 (GSA Form 618-D). Information collection requirements for Standard Forms 1444 and 1445, imposed by the FAR, have been assigned OMB Control Number 9000-0089.

List of Subjects in 48 CFR Parts 501, 522, 552, and 553.

Government procurement.

PART 501—[AMENDED]

1. The authority citation for 48 CFR Parts 501, 522, 552 and 553 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 501.105 is amended by revising the GSAR segments and OMB control numbers to read as follows:

§ 501.105 OMB Approval under the Paperwork Reduction Act.

GSAR segments	OMB control No.
522.403(a)	1215-0140 [Removed] 1215-0141 [Removed] 1215-0017 [Removed] 1215-0149 [Removed]

GSAR segments	OMB control No.
522.405-3(a).....	1215-0140 [Removed]
522.406-6.....	1215-0149
522.222-70.....	1215-0140 [Removed]
	1215-0141 [Removed]
522.222-73.....	1215-0140 [Removed]
	1215-0017 [Removed]
	1215-0149 [Removed]
GSA-2428.....	1215-0140 [Removed]
GSA-3017.....	1215-0017 [Removed]

PART 522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

3. The table of contents for Part 522 is amended by removing section 522.303 and revising Subpart 522.4 to read as follows:

Subpart 522.3—Contract Work Hours and Safety Standards Act

Sec.
522.302 Liquidated damages and overtime pay.

Subpart 522.4—Labor Standards for Contracts Involving Construction

Sec.
522.404 Davis-Bacon wage determinations.
522.404-6 Modifications of wage determinations.
522.406 Administration and enforcement.
522.406-1 Policy.
522.406-6 Payrolls and statements.
522.406-7 Compliance checking.
522.406-8 Investigations.
522.406-9 Withholding from or suspension of contract payments.
522.406-11 Contract terminations.
522.406-13 Semiannual enforcement reports.
522.407 Contract clauses.

4. Section 522.302 is revised to read as follows:

522.302 Liquidated damages and overtime pay.

(a) The Administrator has designated the Heads of Central Office Services to make determinations under FAR 22.302(c).

(b) Upon a final administrative determination regarding the assessment of liquidated damages, the contracting officer notifies the appropriate Finance Office of the decision and provides necessary instructions regarding the disposition of funds withheld or the collection of funds. If funds were withheld from contract payments to satisfy the claim for liquidated damages pending a final administrative determination, the appropriate Finance Office shall be instructed to immediately release any funds in excess of the amount specified in the final administrative determination to the

contractor. If funds were not withheld or if the amount of liquidated damages assessed exceeds that amount withheld, the contracting officer initiates collection action by withholding funds from payments due on the instant contract or by issuing a demand for payment. When the contractor has other Government contracts the demand letter should indicate the Government's intent to exercise its right of offset if payment is not made. The contracting officer provides the appropriate Finance Office with a copy of the demand for payment and requests that the Finance Office initiate collection action under 41 CFR Part 105-55, Collection of Claims owed the United States, if payment is not made in accordance with the demand letter.

5. Subpart 522.4 is revised to read as follows:

522.404 Davis-Bacon Act wage determinations.

522.404-6 Modifications of wage determinations.

Contracting directors may request extensions of the 90 day period for application of a general wage determination. See FAR 22.404-6(b)(6).

522.406 Administration and enforcement.

522.406-1 Policy.

The GSA Form 618-A, Transmittal of Contract Award, may be used to inform contractors of their obligations under the labor standards clauses of the contract.

522.406-6 Payrolls and statements.

Prime contractors and subcontractors who personally perform work are required to submit, instead of weekly payrolls and statements of compliance with respect to payment of wages, a statement clearly showing (a) their contractual relationship, (b) the scope and dates of work performed, (c) that they received no wages, and (d) that no mechanics or laborers were employed in the prosecution of the work. GSA Form 618-D, Statement to be Submitted When Work is Performed Personally, should be used to furnish this information.

522.406-7 Compliance checking.

Compliance checks must be made as frequently as necessary and before final payment is made. Compliance checking is essential to the success of the labor standards enforcement program.

522.406-8 Investigations.

(a) When compliance checks indicate such action is warranted, the contracting officer shall request the Regional Inspector General for Investigations to conduct an

investigation of a contractor's compliance with the labor standards requirements.

(b) The contracting director shall review and process the contracting officer's report under FAR 22.406-8(d).

522.406-9 Withholding from or suspension of contract payments.

Upon final administrative determination regarding the assessment of liquidated damages, the contracting officer shall follow the procedures in 522.302(b).

522.406-11 Contract terminations.

Contracting officers shall submit reports under FAR 22.406-11.

522.406-13 Semiannual enforcement reports.

Contracting activities shall submit semiannual enforcement reports to the Office of Procurement (PP), Public Buildings Service, for consolidation and submission to the Department of Labor. The report should be submitted within 15 calendar days after the end of the reporting period.

522.407 Contract clauses.

(a) The contracting officer shall supplement the clauses in FAR 22.407(a) with the clause at 522.222-81, Applicable Minimum Hourly Rates of Wages.

(b) In construction contracts with state or political subdivisions, the contracting officer shall insert the clause at 522.222-82, Preface for Labor Standards—State or Political Subdivision Contracts, as a preface to the clauses prescribed in FAR 22.407(a).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. The table of contents for Part 552 is amended by removing sections 552.222-70 through 552.222-80 to read as follows:

Sec.
552.222-70 [Removed]
552.222-71 [Removed]
552.222-72 [Removed]
552.222-73 [Removed]
552.222-74 [Removed]
552.222-75 [Removed]
552.222-76 [Removed]
552.222-77 [Removed]
552.222-78 [Removed]
552.222-79 [Removed]
552.222-80 [Removed]

552.222-70 through 552.222-80 [Removed]

7. Sections 552.222-70 through 552.222-80 are removed.

8. Section 552.222-81 is revised to read as follows:

552.222-81 Applicable minimum hourly rates of wages.

As prescribed in 552.407(a), insert the following clause:

Applicable Minimum Hourly Rates of Wages (Oct. 1988)

(a) The wage determination decision of the Secretary of Labor in this contract specifies the minimum hourly rates of wages which shall be paid to laborers and mechanics employed or working upon the site of the work. These rates have been determined by the Secretary of Labor under the Davis-Bacon Act, as amended, to be the prevailing rates for the corresponding classes of laborers and mechanics employed on contracts of a similar character in the locality where this work is to be performed. **THESE MINIMUM HOURLY RATES OF WAGES SHALL APPLY ONLY IF THE CONTRACT IS OVER \$2,000.**

(b) While the wage rates given in the decision are the minimum rates required to be paid during the life of the contract, it is the responsibility of offerors to inform themselves as to local labor conditions such as the prevailing wage rates, the length of work day and work week, overtime compensation, fringe benefit payments, available labor supply, and prospective changes or adjustments of wage rates. The Contractor shall abide by and conform to all applicable laws, Executive Orders, and rules, regulations and orders of the Secretary of Labor. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed in the contract wage determination decision.

(c) The wage determination decision of the Secretary of Labor in the contract is solely for the purpose of setting forth the minimum hourly wage rates required to be paid during the life of the contract and is not to be

accepted as a guarantee, warranty or representation as to the wage rates indicated. (End of Clause)

PART 553—FORMS

9. The table of contents for Part 553 is amended by removing sections 553.370-2428 and 553.370-3017 to read as follows:

Sec.	
553.370-2428	[Removed]
553.370-3017	[Removed]

10. Section 553.173 is amended by revising paragraph (c) to remove references to GSA Forms 2428 and 3017.

Subpart 553.3—Illustration of Forms**553.173 Responsibility for the maintenance of forms.**

(c) * * *

GSA form no.	Responsible office
2428	P [Removed]
3017	P [Removed]

11. Section 553.270-1 is revised to read as follows:

553.270-1 Representations and certifications.

(a) GSA Form 3503, Representations and Certifications, may be used as a part of all solicitations and contracts,

except contracts for utilities and leases of real property. The form may also be used for small purchases when Standard Form 33, Solicitation, Offer, and Award, or Standard Form 1442, Solicitation, Offer, and Award, is used.

(b) GSA Form 3518, Representations and Certifications (Acquisition of Leasehold Interests in Real Property), is used as a part of solicitations for leases of real property.

12. Section 553.270-3 is amended by revising paragraph (c) to read as follows:

553.270-3 Contract clauses.

(c) GSA Form 3505, Labor Standards (Construction Contract), is for use in contracts subject to the Davis-Bacon and related Acts. Because the clauses on this form must be included in solicitations/contracts in full text, the form may not be incorporated by reference.

Note.—GSA forms and matrixes mentioned in this rule are illustrated in and made a part of the regulation. However, they are not illustrated in the *Federal Register* or the Code of Federal Regulations. Individual copies may be obtained from any GSA contracting activity or the Director of the Office of GSA Acquisition Policy and Regulations, (VP), 18th & F Streets NW., Washington, DC 20405.

Dated: December 8, 1988.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

[FR Doc. 88-28915 Filed 12-19-88; 8:45 am]

BILLING CODE 6820-61-M

Proposed Rules

Federal Register

Vol. 53, No. 244

Tuesday, December 20, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1210

[FV-88-1, AMS-FV-88-063]

Watermelon Research and Promotion Plan; Secretary's Decision and Referendum Order on Proposed Plan

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes a national research and promotion plan designed to improve the position of watermelons in the marketplace through coordinated programs of research and promotion. Watermelon producers of five or more acres and handlers who are the first to handle watermelons from producers will be given the opportunity to vote in a referendum on the proposed plan. The proposed plan would establish as national board composed of 28 watermelon producers and handlers elected by their peers and one member representing the general public. The assessment rate would not exceed two cents per hundredweight for producers and two cents per hundredweight for handlers. Producers and handlers may receive a refund of assessments paid.

DATE: The referendum shall be conducted from February 6-21, 1989.

FOR FURTHER INFORMATION CONTACT: Arthur L. Pease, Marketing Order Administration Branch, Room 2531-South, P.O. Box 96456, Washington, DC, 20090-6456; telephone (202) 475-3915.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding include the following. The Notice of Hearing was published in the February 4, 1987, issue of the *Federal Register* [52 FR 3588]. A seven day Extension of Time for Receipt of Post Hearing Briefs was requested by proponents, granted on April 17, 1987, and published in the *Federal Register* on April 21, 1987 [52 FR

13086]. A Recommended Decision and Opportunity to File Written Exceptions was published in the March 24, 1988, issue of the *Federal Register* [53 FR 9637].

The recommended decision provided an opportunity to file written exceptions to the proposed plan. Eleven exceptions were received. Three favored the proposed plan as written in the recommended decision, seven expressed opposition to certain provisions in the proposed plan, and one was not in favor of the proposed plan. Exceptions favoring the proposed plan were submitted by Harmon Lawson, Secretary-Treasurer of the Georgia Watermelon Association; Robert Nash, President of the Georgia Farm Bureau Federation, and Buddy Leger, a Georgia producer and handler. Exceptions supporting the plan were general in nature and therefore are not discussed. The seven exceptions opposing certain provisions in the proposed plan were received from interested persons in South Carolina including Honorable Carroll A. Campbell, Jr., Governor of South Carolina; D. Leslie Tindal, Commissioner of Agriculture for South Carolina; Joe Bates, Chairman of the South Carolina Watermelon Board, and Lynn Youmans, President of the South Carolina Watermelon Association; Gerald Funderburk, a handler, and three producers from Allendale, South Carolina, Glen Kinard, Bill Oswald, and Duncan Smith. Mike Monroe, an Indiana producer, opposed the proposed plan. Each exception opposing provisions of the plan is discussed below.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the U.S. Code, and therefore is excluded from the requirements of Executive Order 12291.

Preliminary Statement

This decision is issued pursuant to the applicable rules of practice and procedure governing proceedings to formulate and amend an order (plan) [7 CFR Part 1200]. Any plan that may result from this proceeding would be effective pursuant to the provisions of the Watermelon Research and Promotion Act, hereafter referred to as the "Act" [Pub. L. 99-198, 99th Congress, effective January 1, 1986, 7 U.S.C. 4901-4916].

The proposed plan was formulated on the record of a public hearing conducted in Las Vegas, Nevada, on February 18

and 19, 1987, and Atlanta, Georgia, on February 24 and 25, 1987.

The proposed plan would authorize, with the approval of the Secretary, the collection of equal assessments on producers and handlers of watermelons. Handlers would be responsible for collecting and submitting assessments and for maintaining appropriate records. Refunds of collected assessments could be obtained by producers and handlers who do not support the plan. Assessment funds would be used to promote watermelons through a variety of market research and product promotion programs. These programs would be developed and administered by a national level Watermelon Research and Promotion Board. Daily administration of the plan would be carried out by a staff directly responsible to the Board. All administrative rules and regulations, as well as research and promotion programs developed by the Board, must be submitted to the Secretary of Agriculture for approval.

In accordance with the provisions of the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Administrator of the Agricultural Marketing Service has determined that this action would not have a significant economic impact on a substantial number of small entities as defined by the RFA. The purpose of the RFA is to fit regulatory action to the scale of business subject to such action, in order that small businesses will not be unduly or disproportionately burdened. Research and promotion programs, and their rules and regulations, are unique in that they are normally brought about through group action of essentially small entities for their own benefit.

The record indicates that most handlers regulated under this program would meet the Small Business Administration (SBA) definition of small agricultural service firms [13 CFR 121.2]. Small agricultural service firms are defined as those having annual gross receipts for the last three years of less than \$3,500,000. There may be as many as 300 such handlers of watermelons who would be subject to regulation under this plan. Small agricultural producers are defined by the SBA as having revenues for the last three years of less than \$500,000. Hearing evidence indicates that watermelons are produced on almost 12,000 farms in the

United States. Many farms produce less than five acres of watermelons, and thus would not be affected by the proposed plan. The industry also includes a few large farms in excess of 400 acres.

Record evidence shows the majority of watermelons are produced for fresh market sales. Proponents of the proposed plan testified that the watermelon industry is in serious trouble because of an apparent decrease in demand for watermelons. Record exhibits indicate a significant and steady decline in per capita consumption of watermelons between 1960 and 1981. Consumption fell 30 percent, from 17.2 pounds to 12.3 pounds per capita, during this period. No testimony was provided that would explain the decline in per capita consumption. However, the record indicates that under the proposed plan, the issue would be studied, possible causes identified and corrective programs initiated.

While consumption declined during the 1960's and 1970's, total value of the crop increased by 400 percent. Most of this increase in value reflected inflationary changes rather than rises in real dollar income. In constant dollars the crop value increased only 15 percent in the 21 year period. Comparable values of vegetables and melons, fresh fruit market prices, and the consumer price index for all foods increased over 300 percent during the same period.

The proposed plan would assess both producers and handlers at equal rates, not to exceed two cents per hundredweight on watermelons produced and two cents per hundredweight on watermelons handled. Testimony at the hearing indicates a unanimous agreement by those testifying that this amount would be relatively insignificant and should not impose a financial burden on large or small producers and handlers. The two cents per hundredweight assessment rate would represent less than one percent of producer income and less than one percent of handler income based on a seasonal average selling price of \$6 per hundredweight. The benefits of the proposed program are expected to exceed the costs. Producers and handlers who do not agree with the program may request a refund of assessments paid.

While the proposed plan imposes certain recordkeeping and reporting requirements on handlers, information required to be reported under the plan could be compiled from records currently maintained by the handlers. Such recordkeeping and reporting requirements are minimal and should not impose an undue burden on

handlers. In addition, the plan provides for referenda to determine if watermelon producers and handlers favor termination or suspension of the plan or any provisions thereof. Also, referenda will be conducted to determine whether the issuance of the proposed plan is approved or favored by producers and handlers. In compliance with the Office of Management and Budget (OMB) regulations [5 CFR Part 1320] which implements the Paperwork Reduction Act of 1980 [44 U.S.C. Chapter 35] and § 3504(h) of that Act, the information collection and recordkeeping requirements contained in this decision and referendum order, as well as the referendum ballot, have been submitted to OMB for approval. These requirements will not become effective prior to OMB approval. These requirements have been evaluated against the potential benefits of the proposal. Any added burden resulting from increased recordkeeping would not be significant when compared to benefits that should accrue to such businesses.

Based on comparable research and promotion programs, it has been estimated that it takes an average of 15 minutes to complete required forms. Approximately 300 handlers could be affected by the reporting and recordkeeping requirements of the proposed plan. As many as 7,000 producers and handlers could be affected by the voluntary referendum balloting.

Findings, Conclusions, and Rulings on Exceptions

Discussions and rulings, including the discussions of the material issues, findings and general findings of the recommended decision set forth in the March 24, 1988, issue of the *Federal Register* [53 FR 9637] are hereby approved and adopted subject to the following modifications and corrections.

Based upon an exception received from Indiana producer Mike Monroe, the findings and conclusions of material issue number 3(d) of the recommended decision, specifically concerning the producers' ability to pay the assessment, are amended by adding the following paragraph to material issue 3(d) after paragraph 4 to read as follows:

In his exception to the Recommended Decision, Indiana producer Mike Monroe opposes the proposed plan because he feels the producer pays for the production of watermelons and should not have to also pay for promotion. Monroe contends that a two cent assessment may, in some years, be 10 percent of the amount producers receive for their watermelons. This

exception is not supported by testimony provided at the hearing. On the contrary, evidence indicates that the maximum two cents per hundredweight is less than one percent of the national average selling price for watermelons received by producers. Refunds are available to producers who feel they would be financially burdened by the collected assessment. Thus, the exception is denied.

Based upon an exception received from Messrs. Bates and Youmans, the findings and conclusions of material issue number 3(d) of the recommended decision, specifically concerning the collection of assessments by handlers, are amended by adding the following two paragraphs after the sixth paragraph of material issue 3(d) to read as follows:

In their jointly submitted exception to the recommended decision, Messrs. Bates and Youmans raise the question of who will actually be paying the four cents per hundredweight assessment (two cents on the producer and two cents on the handler). They state that their past experience has been that any additional expenses incurred by handlers is indirectly passed back to producers. They ask how producers know this will not happen with assessments on watermelons.

Under the plan, a handler is required to collect the producer's assessment and submit it, along with the handler's own assessment, to the Board. The scope and extent to which handlers would pass back assessments to producers, or whether any or all of handler assessments would be passed forward in the marketing chain, is not clear. The Act and the proposed plan provide that handlers may collect producer assessments from the producers or deduct the assessments from the proceeds paid to the producer on whose watermelons the assessments are made. The record indicates that the producer's assessment would in most instances be deducted from the purchase price of the watermelons and would be recorded on the sales slip provided to the producer. While most producers tend to use the same handler season after season, the record indicates that there is competition among handlers for producers' watermelons. Thus, a producer would be able to sell watermelons to alternative handlers if that producer wishes to do so for any reason. For these reasons, the exception is denied.

Based upon exceptions received from Commissioner Tindal and Messrs. Bates, Youmans, Kinard, Oswald and Smith, the findings and conclusions in material

issue number 3(d) of the recommended decision, specifically concerning the assessment which would be placed on those persons who both produce and handle watermelons, are amended by adding the following six paragraphs after the seventh paragraph of material issue 3(d) to read as follows:

In their exceptions to the recommended decision, Commissioner Tindal and Messrs. Bates, Youmans, Kinard, Oswald and Smith oppose § 1210.341(a) of the proposed plan because that section places a double assessment on producers covered under the plan who also handle their own watermelon production. The exceptions contend that a double assessment would place an undue burden on small producers who choose to, or must out of necessity, market their own production through roadside stands and farmers' markets.

According to testimony received at the hearing, producers who operate roadside stands or sell directly to consumers in farmers' markets usually deal in small truck loads of 50 to 100 watermelons at a time and are usually producers of less than five acres of watermelons. The proposed plan would not apply to such small producers and therefore they would not be required to pay any assessments under the plan.

A field of watermelons usually matures at one time and must be marketed shortly thereafter. Five or more acres of watermelons would be a volume considerably larger than a producer could normally sell at a roadside stand or directly to consumers in a farmers' market. Further, watermelon producers of five or more acres who choose to, or must, market all or a portion of their own watermelons in this manner may request and receive a refund of assessments.

It is more likely that a watermelon producer of five or more acres would sell the harvested crop to a sales agent in a farmers' market or auction market. In such a case, the sales agent in the market would assume handler responsibilities and pay the handler's assessment on the watermelons so marketed. Thus, producers who sell their watermelons to such agents would pay only the producers' share of the assessment.

The Bates and Youmans exception also recommends redefining the term handler so that a handler is one who handles and places into commerce watermelons other than his own production. This proposed change in definition would exclude those who both produce and handle watermelons from being considered handlers. Section 1647(g)(4) of the Act states that if a

person performs both producing and handling functions, both assessments shall be paid by such person. Therefore, these exceptions are denied for the reasons set forth herein.

Based upon exceptions received from Commissioner Tindal and Messrs. Bates, Youmans, Funderburk and from Governor Campbell, the findings and conclusions of material issue number 3(d) of the recommended decision, specifically concerning the authority of the Board to designate other organizations to collect assessments and charge a fee for such service, are amended by striking the original paragraphs 14 and 15 of material issue 3(d) and inserting the following eight paragraphs in place of paragraphs 14 and 15 to read as follows:

In their exceptions to the recommended decision, Commissioner Tindal and Messrs. Bates, Youmans and Funderburk suggest that the Board should have the authority to designate other organizations to serve as collection agents which would assist in the collection of assessments. The issue was raised at the hearing and in a brief filed by representatives of the watermelon industry in South Carolina. The change as proposed would have allowed a watermelon marketing board, authorized by State statute, to retain 50 percent of assessments collected in the State as a collection fee, with the funds to be used in conducting the State's own watermelon promotion programs. The finding in the recommended decision denied the change as proposed for such collection of assessments.

Messrs. Bates, Youmans and Smith also express concern in their exceptions that watermelon producers in South Carolina would pay both the national assessment and the South Carolina State assessment if the proposed plan went into effect. Under their proposal South Carolina producers and handlers would be assessed the same amount as producers and handlers in other States (a total of four cents per hundredweight) and could continue to operate their own State marketing order program using half of the collected assessments in a revenue-sharing arrangement.

In their exception, Messrs. Bates and Youmans refer to two other national research and promotion programs asserting that they contain assessment-sharing provisions with State entities. The programs referred to are under the Beef Promotion and Research Order issued pursuant to the Beef Promotion and Research Act of 1985 [7 U.S.C. 2901, *et seq.*] and under the Pork Promotion, Research and Consumer Information Act of 1985 [7 U.S.C. 4801, *et seq.*] The beef statute authorizes credits of up to

50 cents per head of cattle or equivalent thereof to be applied to assessments of producers participating in a program of an established, qualified State beef council and the pork statute authorizes, in part, distribution of funds from assessments to certain State associations. However, the Watermelon Research and Promotion Act does not contain any such provisions.

In his exception to the recommended decision, South Carolina Governor Campbell raises the related issue of Federalism when he states that State programs should not suffer at the expense of a national program. This idea is supported by Messrs. Bates and Youmans in their jointly submitted exception. We have reviewed this proposed action in view of the provision of the executive order on Federalism, Executive Order 12612 (52 FR 41686) and determined that the proposed plan does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. This proposed action is consistent with the principles and provision of Executive Order 12612. Implementation of a national plan does not foreclose States from adopting an appropriate State program for watermelons.

It should be noted that individual producers and handlers would be able, under § 1210.343 of the proposed plan, to request and receive refunds of assessments paid to the national Board. The Act provides that refunds may be made only to individual producers and handlers. Refunds cannot be made to handlers on behalf of producers, or to organizations that represent groups of producers or handlers. The South Carolina State assessment is also refundable, according to the exception submitted by Messrs. Bates and Youmans.

Messrs. Bates and Youmans' exception further suggests a change in the original South Carolina amendment presented at the hearing so that it would apply not only to South Carolina but to any State that institutes a watermelon board authorized by State statute. This suggestion was also raised at the hearing and in a brief filed after the hearing. The record indicates that, given the incentives of receiving half the national Board's assessments, several States would establish such programs. If this happened, the Board could lose up to 50 percent of its projected assessment income and would possibly not be able to conduct the research and promotion responsibilities contemplated under the Act. Thus, the proposed amendment, to provide at least a 50 percent collection fee to State marketing orders, is

inconsistent with effectuation of the purposes of the Act.

However, the issue of whether the Board may be authorized to permit other organizations to collect assessments on its behalf has been further examined. Section 1210.341(e) of the proposed plan contained in the Notice of Hearing permitted such collecting organizations. In removing that section from the proposed plan, the recommended decision noted that the Act provided for collection of assessments by the Board. Record evidence indicates that it would be beneficial to the Board if the Board could designate other agencies to assist in the collection of assessments. The Act does permit the plan to contain terms and conditions incidental to and not inconsistent with the terms and conditions in the Act and that are necessary to effectuate the other provisions of the plan. While the recommended change in the South Carolina amendment in its entirety would not be consistent with the Act, authorizing the Board to permit other organizations, whether State, local or otherwise, to collect assessments on its behalf, subject to the approval of the Secretary, would be consistent with the terms and conditions of the Act. Accordingly, a new paragraph § 1210.341(i) is included in the proposed plan permitting the Board, subject to approval of the Secretary, to enter into agreements authorizing other organizations to collect assessments on its behalf. Any agreements would be subject to the requirement of the Act, the plan and all applicable rules and regulations under the Act and the plan. The fee, or reimbursement, for collection services charged by the collecting organization should be reasonable and based upon the services rendered. Under that criteria, a 50 percent collection fee as proposed in the South Carolina amendment could not be approved.

Accordingly, the exceptions are denied to the extent to which they are inconsistent with the findings and conclusions contained herein.

Based upon exceptions received from Governor Campbell, Commissioner Tindal and Messrs. Bates, Youmans, Funderburk, Kinard and Oswald, the findings and conclusions of material issue number 3(i) of the recommended decision, specifically concerning the referendum procedures is expanded to include an explanation of how votes will be tabulated in the initial referendum that will be held to determine whether the proposed plan is favored by the industry and to include in the proposed provisions of the plan regarding

tabulation of votes in referenda concerning termination or suspension of the plan or provisions thereof, to clarify the procedures concerning voting by each State in multi-state nominations and to include provisions in the proposed plan regarding the eligibility of producers and handlers concerning nomination and membership on the Board. The following nine paragraphs are added to material issue 3(i) after paragraph 4 to read as follows:

In their exceptions to the recommended decision, Governor Campbell, Commissioner Tindal, and Messrs. Bates, Youmans, Funderburk, Kinard and Oswald further suggest that separate referenda for producers and handlers should be held. They contend that the votes of producers and the votes of handlers should be counted separately so that it will be known just how each group feels about the proposed plan. Governor Campbell, Commissioner Tindal and Messrs. Bates, Youmans, Oswald and Funderburk suggest that the plan should be enacted only if ratified by both producers and handlers.

Section 1653 of the Act provides that votes in the initial referendum, or in subsequent referenda regarding amendments to the plan, would be tabulated two ways. The proposed plan, or subsequent amendments, would be approved if either one of the two ballot tabulation methods received a favorable vote. The proposed plan, or subsequent amendments, would be passed under the first tabulation method if the combined votes of at least two-thirds of all producers and handlers voting in the referendum are favorable. The proposed plan, or subsequent amendments, would be passed by the second tabulation method if votes representing at least two-thirds of the total volume of watermelons produced and handled by those voting in the referendum are favorable, as long as a majority of producers and a majority of handlers represented in the referendum vote in favor of the plan. The second tabulation method is very similar to the counting procedure recommended in the exceptions discussed above. If the proposal passes by the first method, the plan would become effective regardless of the outcome of the second tabulation method.

Persons voting in a referendum concerning formulating or amending a plan would certify their eligibility to vote and designate their status as either a watermelon producer or handler. Producers would certify the amount of watermelons acreage they harvested during the representative period of

January 1, 1988, through December 31, 1988. Only producers of five or more acres of watermelons during this representative period would be eligible to vote in the referendum. Both producers and handlers would record the hundredweight volume of watermelons they produced or handled during the representative period. These figures would be used to determine the results of the second tabulation method based on volume of watermelons produced and handled by those voting.

The vote of a person who both produces and handles watermelons would be counted as a producer vote if that person handles 50 percent or less of that person's own production during the representative period. If the person handles more than 50 percent of that person's own production during the representative period, then that person's vote should be counted as a handler vote. This determination is consistent with testimony provided at the public hearing regarding the Board member nomination process. The record indicates that for purposes of the nomination process, producers should properly be considered producers until they handle more than 50 percent of the watermelons they produce. The record testimony also indicates that there is concern that persons who are handlers should be represented by handlers and that persons who are producers should be represented by producers. The Department finds that a 50 percent benchmark, as described above, is an equitable standard through which the interests of both handlers and producers may be best served.

For the reasons set forth herein, a change is made to paragraph 1230.363(b) of the proposed plan so as to make the tabulation of votes in a termination or suspension referendum consistent with that conducted in a referendum for formulation of or amendment to a plan.

In addition, paragraph 1210.321(d)(3) of the proposed plan as published in the recommended decision has been expanded to clarify that delegations from each State in a multi-State nominations' convention should have one vote for each producer position and one vote for each handler position from that district on the Board.

For the reasons set forth herein and for purposes of consistency, the same criteria for producer and handler voting that would apply to referenda should also apply to membership on the National Watermelon Promotion Board and to participation in the nominations process for producer and handler representatives on the Board. Thus, producers who handle 50 percent or less

of their own production should be considered producers for purposes of taking part in the Board nominations process and for serving on the Board. Producers who handle more than 50 percent of their own production should be considered as handlers for purposes of taking part in the Board nominations process and for serving on the Board.

Accordingly, the Department proposes adopting the 50 percent criteria for eligibility to participate in the Board member nominations process and for membership on the Board. Therefore paragraphs 1210.321(c) and 1210.321(d)(1) of the proposed plan have been revised to clarify when producers or handlers are eligible to participate in the Board member nomination process and serve on the Board as producers and when they are eligible to participate in the nomination process and serve on the Board as handlers.

To the extent that the exceptions are inconsistent with the findings and conclusions herein, they are denied.

The findings and conclusions of material issue number 3(i) of the Recommended Decision specifically concerning miscellaneous changes for clarity are amended by striking paragraph 6 of material issue 3(i) and inserting the following paragraph in place thereof to read as follows:

Miscellaneous changes are made for clarity to the index and the headings and to § 1210.308 of the proposed plan.

Rulings on Exceptions

In arriving at the findings and conclusions and the regulatory provisions of this decision, the exceptions to the Recommended Decision were carefully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with the exceptions, such exceptions are hereby denied for the reasons previously stated in this decision.

General Findings

Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The proposed plan, and all of its terms and conditions thereof, as hereinafter set forth, will tend to effectuate the declared policy of the Act;

(2) The proposed plan regulates the handling of watermelons in the contiguous 48 States in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed plan upon which a hearing has been held;

(3) The handling of watermelons in the contiguous 48 States, as defined in the plan, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(4) The proposed plan is applicable only to persons involved in the production of and first handling of watermelons, as specified in the Act.

It is hereby ordered, that this entire decision be published in the Federal Register.

Referendum Order

It is hereby directed that a referendum be conducted for the Watermelon Research and Promotion Plan in accordance with the procedure for the conduct of referenda [7 CFR Part 1210.200] as published elsewhere in today's Federal Register to determine whether the issuance of the proposed plan is approved or favored by the producers and handlers, as defined in the plan, who during the representative period were engaged in the production or first handling of watermelons within the contiguous 48 States. The representative period is hereby determined to be the calendar year January 1, 1988 through December 31, 1988. The referendum ballot shall provide only for the approval or disapproval of the plan.

The Agents of the Secretary to conduct the referendum are hereby designated to be Arthur L. Pease and Richard Mathews, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 96456, U.S. Department of Agriculture, Washington, DC 20090-6456. The referendum shall be conducted from February 6-21, 1989.

List of Subjects in 7 CFR Part 1210

Watermelons, Agricultural research, Agricultural promotion, Market development.

Final Plan

The following plan shall be the detailed means by which the foregoing conclusions may be carried out:

On and after the effective date hereof, Chapter XI of Title 7 shall be amended by adding a subpart to Part 1210.

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

1. The authority citation for Part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901-4916.

2. The subpart—Watermelon Research and Promotion Plan, consisting at §§ 1210.301 through 1210.367, is proposed to be added as follows:

Subpart—Watermelon Research and Promotion Plan

Definitions

Sec.	
1210.301	Secretary.
1210.302	Act.
1210.303	Plan.
1210.304	Board.
1210.305	Watermelon.
1210.306	Producer.
1210.307	Handle.
1210.308	Handler.
1210.309	Person.
1210.310	Fiscal period and marketing year.
1210.311	Programs and projects.
1210.312	Promotion.
1210.313	Research.

National Watermelon Promotion Board

1210.320	Establishment and membership.
1210.321	Nominations and selection.
1210.322	Term of office.
1210.323	Acceptance.
1210.324	Vacancies.
1210.325	Procedure.
1210.326	Compensation and reimbursement.
1210.327	Powers.
1210.328	Duties.

Research and Promotion

1210.330	Policy and objective.
1210.331	Programs and projects.

Expenses and Assessments

1210.340	Budget and expenses.
1210.341	Assessments.
1210.342	Exemption from assessment.
1210.343	Producer and handler refunds.
1210.344	Operating reserve.

Reports, Books, and Records

1210.350	Reports.
1210.351	Books and records.
1210.352	Confidential treatment.

Miscellaneous

1210.360	Right of the Secretary.
1210.361	Personal liability.
1210.362	Influencing governmental action.
1210.363	Suspension or termination.
1210.364	Proceedings after termination.
1210.365	Effect of termination or amendment.
1210.366	Separability.
1210.367	Patents, copyrights, inventions, and publications.

Subpart—Watermelon Research and Promotion Plan

Definitions

§ 1210.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1210.302 Act.

"Act" means the Watermelon Research and Promotion Act of 1985,

(Title XVI, Subtitle C of Pub. L. 99-198, 99th Congress, effective January 1, 1986, 99 Stat. 1622).

§ 1210.303 Plan.

"Plan" means this watermelon research and promotion Plan issued by the Secretary pursuant to the Act.

§ 1210.304 Board.

"Board" means the National Watermelon Promotion Board, hereinafter established pursuant to § 1210.320.

§ 1210.305 Watermelon.

"Watermelon" means all varieties of the Family Cucurbitaceae; Genus and Species: *Citrullus Lanatus* popularly referred to as watermelon grown by producers in the 48 contiguous States of the United States.

§ 1210.306 Producer.

"Producer" means any person engaged in the growing of five acres or more of watermelons including any person who owns or shares the ownership and risk of loss of such watermelon crop.

§ 1210.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place or cause watermelons to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of field run watermelons by the producer thereof to handler for grading, sizing or processing.

§ 1210.308 Handler.

"Handler" means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons, including a producer who handles watermelons of the producer's own production. For the purposes of this subpart, the term "handler" means the "first" person who performs the handling functions.

§ 1210.309 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity.

§ 1210.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12 month period from January 1 to December 31 or such other period which may be approved by the Secretary.

§ 1210.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising, or promotion programs or

projects developed by the Board pursuant to § 1210.331.

§ 1210.312 Promotion.

"Promotion" means any action taken by the Board, pursuant to the Act, to present a favorable image for watermelons to the public with the express intent of improving the competitive position of watermelons in the marketplace and stimulating sales of watermelons, and shall include, but not be limited to, paid advertising.

§ 1210.313 Research.

"Research" means any type of systematic study or investigation, and/or the evaluation of any study or investigation designed to advance the image, desirability, usage, marketability, production, or quality of watermelons.

National Watermelon Promotion Board

§ 1210.320 Establishment and membership.

(a) There is hereby established a National Watermelon Promotion Board, hereinafter called the "Board". The Board shall be composed of producers and handlers and one public representative appointed by the Secretary. An equal number of producer and handler representatives shall be nominated by producers and handlers pursuant to § 1210.321. The public representative shall be nominated by the producer and handler Board members in such manner as may be prescribed by the Secretary. If producers and handlers fail to select nominees for appointment to the Board, the Secretary may appoint persons on the basis of representation as provided in § 1210.324. If the Board fails to adhere to procedures prescribed by the Secretary for nominating a public representative, the Secretary shall appoint such representative.

(b) Membership on the Board shall be determined on the basis of two handler and two producer representatives for each of seven districts in the contiguous States of the United States. Such districts as hereby established have approximately equal production volume according to the three-year average production as set forth in the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981. They are:

- District #1—South Florida including all areas south of State Highway 50.
- District #2—North Florida including all areas north of State Highway 50.
- District #3—The States of Alabama and Georgia.
- District #4—The States of South Carolina, North Carolina, Virginia, Delaware, Maryland, West Virginia,

Pennsylvania, New Jersey, New York, Ohio, Michigan, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

District #5—The States of Mississippi, Kentucky, Tennessee, Louisiana, Arkansas, Missouri, Illinois, Indiana, Iowa, Kansas, Nebraska, Oklahoma, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, and New Mexico.

District #6—The State of Texas.

District #7—The States of Arizona, California, Nevada, Utah, Oregon, Idaho, Wyoming, Washington, and Montana.

(c) After two years, the Board shall review the districts to determine whether realignment of the districts is necessary and at least every five years thereafter the Board shall make such a review. In making such review, it shall give consideration to:

(1) The most recent three years USDA production reports or Board assessment reports if USDA production reports are unavailable;

(2) Shifts and trends in quantities of watermelon produced, and

(3) Other relevant factors.

As a result of this review, the Board may realign the districts subject to the approval of the Secretary. Any such realignment shall be recommended by the Board to the Secretary at least six months prior to the date of the call for nominations and shall become effective at least 30 days prior to such date.

§ 1210.321 Nominations and selection.

The Secretary shall appoint the members of the Board from nominations to be made in the following manner:

(a) Except for initial Board members whose nomination process should be conducted by the Secretary, the Board shall issue a call for nominations by February first of each year in which an election is to be held. The call shall include at a minimum, the following information:

(1) A list of the vacancies and qualifications as to producers and handlers by district for which nominees may be submitted.

(2) The date by which the nominees shall be submitted to the Secretary for consideration to be in compliance with § 1210.323 of this subpart.

(3) A list of those States by district entitled to participate in the nomination process.

(4) The date, time, and location of any next scheduled meeting of the Board, national and State producer or handler associations, and district conventions if any.

(b) Nominations for positions that will become vacant shall be made by district convention in the district entitled to nominate. Notice of such convention shall be publicized to all producers and handlers within such district, and the Secretary at least ten days prior to said event. The notice shall have attached to it the call for nominations from the Board. The responsibility for convening and publicizing the district convention shall be that of the then members of the Board from that district.

(c) All producers and handlers within the district may participate in the convention: *Provided*, That producers who handle 50 percent or less of their own production may vote for producer members only, and producers who handle more than 50 percent of their own production may vote for handler members only; and *Provided further*, That if a producer or handler is engaged in the production or handling of watermelons in more than one State or district, the producer or handler shall participate within the State or district in which the producer or handler so elects in writing to the Board and such election shall remain controlling until revoked in writing to the Board.

(d) The district convention shall conduct the selection process for the nominees in accordance with procedures to be adopted at each such convention, subject to the following requirements:

(1) There shall be two individuals nominated for each vacant position. Each nominee shall meet the qualifications set forth in the call: *Provided*, That producers who handle 50 percent or less of their own production may be nominated for producer positions only, and producers who handle more than 50 percent of their own production may be nominated for handler positions only; and *Provided further*, That if a producer or handler is engaged in the production or handling of watermelons in more than one State or district, the producer or handler shall participate within the State or district in which the producer or handler so elects in writing to the Board and such election shall remain controlling until revoked in writing to the Board.

(2) No State in Districts 3, 4, 5 and 7 as currently constituted shall have more than three representatives concurrently on the Board.

(3) Each State represented at the district convention shall have one vote for each producer position and one vote for each handler position from the District on the Board, which vote shall be determined by the producers and handlers from that State by majority

vote. Each State shall further have an additional vote for each five hundred thousand hundredweight volume as determined by the three year average annual crop production summary reports of the USDA, or if such reports are not published, then the three year average of the Board assessment reports: *Provided*, That for the first two calls for nominees, the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981 will be controlling as to any additional production volume votes.

§ 1210.322 Term of office.

(a) The term of office of Board members shall be three years, except that the members of the initial Board shall serve terms as follows: the four producers and four handlers from district 1 (south Florida) and district 6 (Texas), and the public member shall serve one-year initial terms; four producers and four handlers from district 2 (north Florida) and district 3 (Georgia and Alabama) shall serve two-year initial terms; and the remaining six producers and six handlers from districts 4, 5 and 7 shall serve three-year initial terms.

(b) The term of office for the initial Board shall begin immediately following appointment by the Secretary. Time in the interim period, from appointment until the term begins pursuant to this section, shall not count toward the initial "term of office". In subsequent years, the term of office shall begin on January 1 or such other period which may be approved by the Secretary.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve more than two successive terms: *Provided*, That those members serving initial terms of one year may serve two additional consecutive three-year terms.

§ 1210.323 Acceptance.

Each person nominated for membership on the Board shall qualify by filing a written acceptance with the Secretary. Such written acceptance shall accompany the nomination list required by § 1210.321.

§ 1210.324 Vacancies.

(a) In the event any member of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a

member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the Board shows adequate cause, the Secretary shall remove such member from office. Further, without recommendation of the Board a member may be removed by the Secretary upon showing of adequate cause, if the Secretary determines that the person's continual services would be detrimental to the purposes of the Act.

(c) To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1210.321, except that said nomination and replacement shall not be required if the unexpired term of office is less than six months. In the event of failure to provide nominees for such vacancies, the Secretary may appoint other eligible persons.

§ 1210.325 Procedure.

(a) Fifteen Board members shall constitute a quorum and any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings all votes shall be cast in person.

(b) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, telephone, or by other means of communication: *Provided*, That each member receives an accurate, full, and substantially identical explanation of each proposition. Telephone votes shall be promptly confirmed in writing. All votes shall be recorded in the Board minutes.

§ 1210.326 Compensation and reimbursement.

Board members shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as Board members.

§ 1210.327 Powers.

The Board shall have the following powers subject to § 1210.363:

(a) To administer the provisions of this Plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this Plan;

(c) To require its employees to receive, investigate, and report to the Secretary complaints of violations of this Plan; and

(d) To recommend to the Secretary amendments to this Plan.

§ 1210.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet, organize, and select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish working committees of persons other than Board members.

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) To prepare and submit for the Secretary's approval, prior to the beginning of each fiscal period, a recommended rate of assessment and a fiscal period budget of the anticipated expenses in the administration of this Plan, including the probable costs of all programs and projects;

(d) To develop programs and projects, which must be approved by the Secretary before becoming effective, and enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this Plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to the Board;

(g) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the

principal office of the Board for inspection by producers and handlers;

(h) To investigate violations of the Plan and report the results of such investigations to the Secretary for appropriate action to enforce the provisions of the Plan;

(i) To periodically prepare, make public and make available to producers and handlers reports of its activities carried out.

(j) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(k) To act as intermediary between the Secretary and any producer or handler;

(l) To furnish the Secretary such information as the Secretary may request;

(m) To notify watermelon producers and handlers of all Board meetings through press releases or other means;

(n) To appoint and convene, from time to time, working committees drawn from producers, handlers and the public to assist in the development of research and promotion programs for watermelons; and

(o) To develop and recommend such rules and regulations to the Secretary for approval as may be necessary for the development and execution of programs or projects to effectuate the declared purpose of the Act.

Research and Promotion

§ 1210.330 Policy and objective.

It shall be the policy of the Board to carry out an effective, continuous, and coordinated program of research, development, advertising, and promotion in order to:

(a) Strengthen watermelons' competitive position in the marketplace,

(b) Maintain and expand existing domestic and foreign markets, and

(c) Develop new or improved markets.

It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the watermelon industry.

§ 1210.331 Programs and projects.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for advertising and other sales promotion of watermelons designed to strengthen the position of the watermelon industry in the marketplace and to maintain,

develop, and expand markets for watermelons;

(b) Establishing and carrying out research and development projects and studies to the end that the acquisition of knowledge pertaining to watermelons or their consumption and use may be encouraged or expanded, or to the end that the marketing and use of watermelons may be encouraged, expanded, improved, or made more efficient: *Provided*, That quality control, grade standards, supply management programs or other programs that would otherwise limit the right of the individual watermelon producer to produce watermelons shall not be conducted under, or as a part of, this Plan;

(c) The development and expansion of watermelon sales in foreign markets;

(d) A prohibition on advertising or other promotion programs that make any reference to private brand names or use false or unwarranted claims on behalf of watermelons or false or unwarranted statements with respect to the attributes or use of any competing product;

(e) Periodic evaluation by the Board of each program or project authorized under this Plan to insure that each program or project contributes to an effective and coordinated program of research and promotion and submission of such evaluation to the Secretary. If the Board or the Secretary finds that a program or project does not further the purposes of the Act, then the Board or the Secretary shall terminate such program or project; and

(f) The Board to enter into contracts or make agreements for the development and carrying out of research and promotion and pay for the costs of such contracts or agreements with funds collected pursuant to § 1210.341.

Expenses and Assessments

§ 1210.340 Budget and expenses.

(a) Prior to the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this Plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1210.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion

of watermelons, such other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, and any referendum and administrative costs incurred by the Department of Agriculture. The funds to cover such expenses shall be paid from assessments collected pursuant to § 1210.341.

§ 1210.341 Assessments.

(a) During the effective period of this subpart, assessments shall be levied on all watermelons produced and all watermelons first handled for consumption as human food. No more than one assessment on a producer nor more than one assessment on a handler shall be made on any lot of watermelons. The handler shall be assessed an equal amount on a per unit basis as the producer. If a person performs both producing and handling functions, both assessments shall be paid by such person.

(b) Assessment rates shall be fixed by the Secretary in accordance with § 1647(f), of the Act: *Provided*, That the maximum assessment shall not exceed two cents per hundredweight for producers and two cents per hundredweight for handlers. No assessments shall be levied on watermelons grown by producers of less than five acres of watermelons.

(c) Each handler, as defined, is responsible for payment to the Board of both the producer's and the handler's assessment pursuant to regulations issued hereunder. The handler may collect producer assessments from the producer or deduct such assessments from the proceeds paid to the producer on whose watermelons the assessments are made. The handler shall maintain separate records for each producer's watermelons handled, including watermelons produced by said handler. In addition, the handler shall indicate the total quantity of watermelons handled by the handler, including those that are exempt under this Plan, and such other information as may be prescribed by the Board.

(d) Assessments shall be paid to the Board at such time and in such manner as the Board, with the Secretary's approval, directs pursuant to regulations issued hereunder. Such regulations may provide for different handlers or classes of handlers and different handler payment and reporting schedules to recognize differences in marketing practices or procedures used in any State or production area.

(e) There shall be a late payment charge imposed on any handler who fails to remit to the Board the total

amount for which any such handler is liable on or before the payment due date established by the Board under paragraph (d) of this section. The amount of the late payment charge shall be set by the Board subject to approval by the Secretary.

(f) There shall also be imposed on any handler subject to a late payment charge, an additional charge in the form of interest on the outstanding portion of any amount for which the handler is liable. The rate of such interest shall be prescribed by the Board subject to approval by the Secretary.

(g) The Board is hereby authorized to accept advance payment of assessments by handlers that shall be credited toward any amount for which the handlers may become liable. The Board shall not be obligated to pay interest on any advance payment.

(h) The Board is hereby authorized to borrow money for the payment of administrative expenses subject to the same fiscal, budget, and audit controls as other funds of the Board.

(i) The Board may authorize other organizations to collect assessments in its behalf with the approval of the Secretary. Any reimbursement by the Board for such services shall be based on reasonable charges for services rendered.

§ 1210.342 Exemption from assessment.

The Board may exempt watermelons used for nonfood purposes from the provisions of this Plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1210.343 Producer and handler refunds.

Any producer or handler against whose watermelons an assessment is made and collected under this Plan and who is not in favor of supporting the research, development, advertising, and promotion program provided for under this Plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer or handler paid the assessment for which refund is sought. Any such demand shall be made personally by such producer or handler on a form which the producer or handler shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer or handler at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefore.

§ 1210.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this subpart.

Reports, Books, and Records

§ 1210.350 Reports.

Each handler shall maintain a record with respect to each producer for whom watermelons were handled and for watermelons produced and handled by the handler. Handlers shall report to the Board at such times and in such manner as the Board may prescribe by regulations whatever information as may be necessary in order for the Board to perform its duties. Such reports may include, but shall not be limited to, the following information:

(a) Total quantity of watermelons handled for each producer and by the handler, including those which are exempt under this Plan;

(b) Total quantity of watermelons handled for each producer and by the handler, on which the producer assessment was collected;

(c) Name and address of each person from whom an assessment was collected, the amount collected from each person, and the date such collection was made; and

(d) Name and address of each person claiming exemption from assessment and a copy of each such person's claim of exemption.

§ 1210.351 Books and records.

Each handler subject to this Plan shall maintain, and during normal business hours make available, for inspection by employees of the Board or Secretary, such books and records as are necessary to carry out the provisions of this Plan and the regulations issued thereunder, including such records as are necessary to verify any required reports. Such records shall be maintained for two years beyond the fiscal period of their applicability.

§ 1210.352 Confidential treatment.

(a) All information obtained from the books, records, or reports required to be maintained under §§ 1210.350 and 1210.351 shall be kept confidential and shall not be disclosed to the public by any person. Only such information as the Secretary deems relevant shall be disclosed to the public and then only in a suit or administrative hearing brought at the direction, or on the request, of the

Secretary, or to which the Secretary or any officer of the United States is a party, and involving this Plan: Except that nothing in this subpart shall be deemed to prohibit:

(1) The issuance of general statements based on the reports of a number of handlers subject to this Plan if such statements do not identify the information furnished by any person; or

(2) The publication by direction of the Secretary of the name of any person violating this Plan together with a statement of the particular provisions of this Plan violated by such person.

(b) Any disclosure of confidential information by any employee of the Board, except as required by law, shall be considered willful misconduct.

Miscellaneous

§ 1210.360 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1210.361 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty or willful misconduct.

§ 1210.362 Influencing government action.

No funds collected by the Board under this plan shall in any manner be used for the purpose of influencing governmental policy or action, except for making recommendations to the Secretary as provided in this subpart.

§ 1210.363 Suspension or termination.

(a) Whenever the Secretary finds that this Plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, the Secretary shall terminate or suspend the operation of this Plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the watermelon producers and handlers to determine if watermelon producers and handlers favor termination or suspension of this Plan. The Secretary shall suspend or terminate this Plan at the end of the marketing year whenever the Secretary determines that the suspension or termination is favored by a majority of the watermelon producers and handlers voting in such referendum who, during a representative period determined by the

Secretary, have been engaged in production or handling of watermelons and who produced or handled more than 50 percent of the volume of watermelons produced or handled by those producers and handlers voting in the referendum. For purposes of this section, the vote of a person who both produces and handles watermelons will be counted as a producer vote if that person handles 50 percent or less of that person's own production during a representative period, and will be counted as a handler vote if that person handles more than 50 percent of that person's own production during a representative period. Any such referendum shall be conducted at county extension offices.

§ 1210.364 Proceedings after termination.

(a) Upon the termination of this Plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1210.328(d);

(3) From time-to-time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers and handlers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers and handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1210.365 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this Plan or any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this Plan or any regulation issued thereunder, or (b) Release or extinguish any violation of this Plan or any regulation issued thereunder, or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

§ 1210.366 Separability.

If any provision of this Plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Plan or applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1210.367 Patents, copyrights, inventions, and publications.

Any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected under the provisions of this Plan shall be the property of the United States government as represented by the Board. Funds generated by such patents, copyrights, inventions, product formulations, or publications shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board. Upon termination of this part, § 1210.364 shall apply to determine the disposition of all such property.

Signed at Washington, DC on December 15, 1988.

Robert B. Melland,

Deputy Assistant Secretary of Agriculture,
Marketing & Inspection Services.

[FR Doc. 88-29204 Filed 12-16-88; 11:59 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1772

REA Bulletin 345-165, General Specification for Digital, Stored Program Controlled Central Office Equipment, REA Form 522

AGENCY: Rural Electrification Administration, U.S. Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications by issuing revised REA Bulletin 345-165, General Specification for Digital, Stored Program Controlled Central Office Equipment, REA Form 522, to keep it abreast of the fast changing technology of electronic telephone central office equipment. The specification will include new developments considered advantageous to REA borrowers and their subscribers. All manufacturers of digital central office equipment and eventually all the REA telephone borrowers and their consulting engineers will be impacted.

DATE: Public comments must be received by REA no later than January 19, 1989.

ADDRESS: Submit written comments to William W. Kelly, Director, Telecommunications Staff Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500.

Copies of the document are available upon request from the address indicated above. Interested persons are invited to submit comments on this action. Written comments must be sent to the address stated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Dean A. Dion, Chief, Central Office Equipment Branch, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250-1500, telephone (202) 382-8671. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing revised REA Bulletin 345-165, General Specification for Digital, Stored Program Controlled Central Office Equipment, REA Form 522. This incorporation by reference was approved by the Director of the Federal Register on December 30, 1983.

This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of \$100 million or more;

(2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 et seq. (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment.

This regulation contains no information or recordkeeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 et seq.).

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851 "Rural Telephone Loans and Loan Guarantees" and 10.852 "Rural Telephone Banks Loans".

For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background

REA has issued a series of publications entitled "bulletins" which serve to implement the policy, procedures, and requirements for administering its loans and loan guarantee programs and the security instruments which provide for and secure REA financing. In the bulletin series REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is proposing to revise Bulletin 345-165 the REA General Specification for Digital, Stored Program Controlled Central Office Equipment, REA Form 522.

The REA specification needs to be revised periodically to incorporate technical changes which are considered advantages to the REA telephone borrowers and their subscribers. This revision will permit the borrowers to purchase equipment with built-in revenue producing features rather than having to purchase expensive add-ons to their central office equipment at a later date. It will also improve the

quality of the central office equipment, thereby reducing maintenance cost to the borrowers and their subscribers.

Major central office manufacturers presently have the ability to support the significant changes contained in this revision of the REA specification. Therefore, there should be little impact on them in complying with the new requirements.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

In view of the above, REA is proposing to amend 7 CFR Part 1772 by issuing a revised Bulletin 345-165.

PART 1772—[AMENDED]

1. The authority cited for Part 1772 is revised to read as follows, and all authorities following the sections are removed.

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. The table in § 1772.97 is amended by revising the entry for Bulletin 345-165 to read as follows:

§ 1772.97 Incorporation by Reference of Telephone Standards and Specifications.

* * * * *

345-165—Form 522—REA General Specification for Digital, Stored Program Controlled Central Office Equipment.

* * * * *

Dated: December 13, 1988.

Jack Van Mark,

Acting Administrator.

[FR Doc. 88-29147 Filed 12-19-88; 8:45 am]

BILLING CODE 3410-15-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments Necessitated by Changes in the Price-Anderson Act

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed Rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to conform to changes made to the Price-Anderson Act by "The Price-Anderson Amendments Act of 1988," which was enacted on August 20, 1988. The Commission is also proposing to amend its regulations to increase the level of the primary layer of financial protection required of certain

indemnified licensees. The provisions of section 170 of the Atomic Energy Act of 1954, as amended, require production and utilization facility licensees to have and maintain financial protection to cover public liability claims. Therefore, the Commission is proposing to amend its regulations to coincide, as statutorily required, with the increase in the level of the primary layer of insurance provided by private nuclear liability insurance pools. This proposed change would provide additional insurance to pay public liability claims arising out of a nuclear incident.

DATES: The comment period expires January 4, 1989. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments on or before this date.

ADDRESSES: Mail comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Federal workdays. Examine copies of comments received at: The NRC Public Document Room, 2120 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ira Dinitz, Policy Development and Financial Evaluation Section, Policy Development and Technical Support Branch, Office of Nuclear Reactor Regulation, Telephone: (301) 492-1289.

SUPPLEMENTARY INFORMATION: On August 20, 1988, "The Price-Anderson Amendments Act of 1988" was enacted as Pub. L. 100-408. This legislation modifies and extends for 15 years (to August 1, 2002) the Price-Anderson Act. This notice proposes to amend certain provisions of 10 CFR Part 140 to conform to changes made by Pub. L. 100-408.

Section 170 of the Atomic Energy Act of 1954, as amended, (the Act) requires production and utilization facility licensees to have and maintain financial protection to cover public liability claims resulting from a nuclear incident or precautionary evacuation. Section 170 also requires the Nuclear Regulatory Commission to indemnify the licensee and other persons indemnified, up to the statutory limitation on liability, against public liability claims in excess of the amount of financial protection required. Subsection 170b. of the Act requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available from private sources. Primary financial

protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or combination of such measures.

The insurers who provide the nuclear liability insurance, American Nuclear Insurers (ANI) and Mutual Atomic Energy Liability Underwriters (MAELU), have advised the Commission that the maximum amount of primary nuclear energy liability insurance available has been increased from \$160 million to \$200 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of primary financial protection required for facilities having a rated capacity of 100,000 electrical kilowatts or more is proposed to be increased to \$200 million.

Environmental Impact: Categorical Exclusion

The Commission has determined that this proposed rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) Existing requirements were approved by the Office of Management and Budget approval number 3150-0039.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)) the Commission hereby certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities. This rule applies only to nuclear power plant licensees which are electric utility companies dominant in their service areas. These licensees are not "small entities" as set forth in the Regulatory Flexibility Act and do not meet the standards set forth for small businesses in Small Business Administration regulations in 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and therefore, that a backfit analysis is not required for this proposed rule. These amendments are required to conform NRC regulations to statutory directives and do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 140

Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 140.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

1. The authority citation for Part 140 continues to read as follows:

Authority: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576, as amended (42 U.S.C. 2201-2210); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 140.11(a), 140.12(a), 140.13, and 140.13a are issued under sec. 161b., 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and 8140.6 is issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 140.11 paragraph (a)(4) is revised to read as follows. The introductory text of (a) is republished for the convenience of the reader.

§ 140.11 Amounts of financial protection for certain reactors.

(a) Each license is required to have and maintain financial protection:

* * * * *

(4) In an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and a rated capacity of 100,000 electrical kilowatts or more: Provided, however, That under such a plan for deferred premium charges for each nuclear reactor which is licensed to operate, no more than \$63,000,000 with respect to any nuclear incident and no more than \$10,000,000 within one calendar year shall be charged.

3. In § 140.13a, paragraph (a) is revised to read as follows:

§ 140.13a Amount of financial protection required for plutonium processing and fuel fabrication plants.

(a) Each holder of a license issued pursuant to Part 70 of this chapter to

possess and use plutonium at a plutonium processing and fuel fabrication plant is required to have and maintain financial protection in the form specified in § 140.14 in the amount of \$200,000,000. Proof of financial protection shall be filed with the Commission in the manner in § 140.15 prior to issuance of the license under Part 70 of this chapter.

4. Section 140.92, Appendix B, is amended as follows:

a. Article I, paragraphs 1 and 7 are revised.

b. Article II, paragraph 4(c), introductory text of paragraph 8, and paragraphs 8(b) and 8(c) are revised.

c. Article III, paragraph 4(b) is revised.

d. Article VIII, paragraph 1 is revised.

§ 140.92 Appendix B—Form of indemnity agreement with licensees furnishing insurance policies as proof of financial protection.

* * * * *

Article I

* * * * *

1. "Nuclear reactor," "byproduct material," "person," "source material," "special nuclear material," and "precautionary evacuation" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

* * * * *

7. "Public Liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or precautionary evacuation), except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

* * * * *

Article II

* * * * *

4. * * *

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

* * * * *

8. With respect to any common occurrence, (a) If the sum of limit of liability of any Nuclear Energy Liability Insurance Association policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability Insurance Association exceeds \$155,000,000 the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and \$155,000,000 as the limit of liability of the Nuclear Energy Liability Insurance Association policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability Insurance Association;

(b) If the sum of the limit of liability of any Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters exceeds \$45,000,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and \$45,000,000 as the limit of liability of the Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters;

(c) If any of the other applicable agreements is with a person who has furnished financial protection in a form other than a nuclear energy liability insurance policy (facility form) issued by Nuclear Energy Liability Insurance Association or Mutual Atomic Energy Liability Underwriters, and if also the sum of the amount of financial protection established under this agreement and the amounts of financial protection established under all other applicable agreements exceeds an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection, the obligations of the licensee shall not exceed a greater proportion of an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection, than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements.

* * * * *

Article III

* * * * *

4. * * *

(b) With respect to a common occurrence, the obligations of the Commission under this agreement shall apply only with respect to such public liability and such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) as in the aggregate exceed whichever of the following is lower: (1) The sum of the amounts of financial protection established under this agreement and all other applicable agreements; or (2) an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection.

* * * * *

Article VIII

* * * * *

1. Each licensee is required to have and maintain financial protection in an amount specified in Item 2 a and b of the Attachment annexed hereto, and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges); Provided, however, That under such a plan for deferred premium charges, such charges for each nuclear reactor which is licensed to operate shall not exceed \$63,000,000 with respect to any single nuclear incident nor exceed \$10,000,000 within one calendar year. If the licensee fails to pay assessed deferred premiums, the Commission reserves the right to pay those premiums on behalf of the licensee and to recover the amount of such premiums from the licensee.

* * * * *

5. Section 140.93, Appendix C, is amended as follows:

a. Article I, paragraphs 1 and 7 are revised.

b. Article II, paragraph 4(c) and 8 are revised.

c. Article III, paragraphs 4(b) is revised.

d. Article VIII, paragraph 1 is revised.

§ 140.93, Appendix C—Form of indemnity agreement with licensees furnishing proof of financial protection in the form of licensee's resources.

* * * * *

Article I

* * * * *

1. "Nuclear reactor," "byproduct material," "person," "source material," "special nuclear material," and "precautionary evacuation" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

* * * * *

7. "Public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a

nuclear incident or precautionary evacuation), except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b), if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

Article II

4. * * *

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

8. With respect to a common occurrence, if the sum of the amount of financial protection established under this agreement and the amount of financial protection established under all other applicable agreements exceeds an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection, the obligations of the licensee described in paragraph 3 of this Article shall not exceed a greater proportion of an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements. As used in this paragraph, and in Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c. of the Act in which agreement the nuclear incident is defined as a "common occurrence".

Article III

4. * * *

(b) With respect to a common occurrence, the obligations of the Commission under this agreement shall apply only with respect to such public liability and such damage to property of persons legally liable for the nuclear incident (other than such property

described in the proviso to paragraph 2 of this Article) as in the aggregate exceed whichever of the following is lower: (1) The sum of the amounts of financial protection established under this agreement and to all other applicable agreements; or (2) an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection.

Article VIII

1. Each licensee is required to have and maintain financial protection in an amount specified in Item 2 annexed hereto, and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges). Provided, however, that under such a plan for deferred premium charges, such charges for each nuclear reactor which is licensed to operate shall not exceed \$63,000,000 with respect to any single nuclear incident nor exceed \$10,000,000 within one calendar year. If the licensee fails to pay assessed deferred premiums, the Commission reserves the right to pay those premiums on behalf of the licensee and to recover the amount of such premiums from the licensee.

6. Section 140.94, Appendix D, is amended as follows:

a. Article I, paragraphs 1 and 6 are revised.

b. Article II, paragraphs 4(c) and 6 are revised.

§ 140.94 Appendix D—Form of indemnity agreement with Federal agencies.

Article I

1. "Nuclear reactor," "byproduct material," "person," "source material," "special nuclear material," and "precautionary evacuation" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or precautionary evacuation), except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear

incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

Article II

4. * * *

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

6. With respect to a common occurrence, the obligations of the Commission under this Article shall apply only with respect to such public liability and such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) as in the aggregate exceed whichever of the following is lower: (1) The sum of the amount of financial protection established under all applicable agreements; or (2) an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection. As used in this Article "applicable agreements" means each agreement entered into by the Commission pursuant to subsection 170c. of the Act in which agreement the nuclear incident is defined as "common occurrence."

7. Section 140.95, Appendix E, is amended as follows:

a. Article I, paragraphs 1 and 6 are revised.

b. Article II, paragraph 2(c) is revised.

c. Article III, paragraph 4(b) is revised.

§ 140.95 Appendix E—Form of indemnity agreement with nonprofit educational institutions.

Article I

1. "Nuclear reactor," "byproduct material," "person," "source material," "special nuclear material," and "precautionary evacuation" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or precautionary evacuation), except (1)

claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

Article II

2. ***

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

Article III

4. ***

(b) With respect to a common occurrence, the obligations of the Commission under this agreement shall apply only with respect to such public liability and such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) as in the aggregate exceed whichever of the following is lower: (1) The sum of the amounts of financial protection established under all applicable agreements; or (2) an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection. As used in this Article "applicable agreements" means each agreement entered into by the Commission pursuant to subsection 170c. of the Act in which agreement the nuclear incident is defined as a "common occurrence."

8. Section 140.107, Appendix G, amended as follows:

a. Article I, paragraphs 1 and 6 are revised.

b. Article II, introductory text of paragraph 6 and paragraphs 6(a), 6(b), and 6(c) are revised.

c. Article III, paragraph 4(b) is revised.

§ 140.107 Appendix G—Form of Indemnity agreement with licensees processing plutonium for use in plutonium processing and fuel fabrication plants and furnishing insurance policies as proof of financial protection.

Article I

1. "Byproduct material," "person," "source material," "special nuclear material," "precautionary evacuation," and "extraordinary nuclear occurrence" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or precautionary evacuation), except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

Article II

6. With respect to any common occurrence, (a) If the sum of the limit of liability of any Nuclear Energy Liability Property Insurance Association policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability-Property Insurance Association exceeds \$155,000,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and \$155,000,000 as the limit of liability of the Nuclear Energy Liability-Property Insurance Association policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability-Property Insurance Association;

(b) If the sum of the limit of liability of any Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters exceeds \$45,000,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and \$45,000,000 as the limit of liability of the Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters;

(c) If any of the other applicable agreements is with a person who has furnished financial protection in a form other than a nuclear energy liability insurance policy (facility form) issued by Nuclear Energy Liability-Property Insurance Association or Mutual Atomic Energy Liability Underwriters, and if also the sum of the amount of financial protection established under this agreement and the amounts of financial protection established under all other applicable agreements exceeds an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection, the obligations of the licensee shall not exceed a greater proportion of an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements.

Article III

4. ***

(b) With respect to a common occurrence, the obligations of the Commission under this agreement shall apply only with respect to such public liability and such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) as in the aggregate exceed \$200,000,000.

9. Section 140.108, Appendix H, is amended as follows:

a. Article I, paragraphs 1 and 6 are revised.

b. Article II, paragraph 6 is revised.

c. Article III, paragraph 4(b) is revised.

§ 140.108 Appendix H—Form of indemnity agreement with licensees possessing plutonium for use in plutonium processing and fuel fabrication plants and furnishing proof of financial protection in the form of the licensee's resources.

Article I

1. "Byproduct material," "person," "source material," "special nuclear material," "precautionary evacuation," and

"extraordinary nuclear occurrence" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or precautionary evacuation), except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

Article II

8. With respect to any common occurrence, if the sum of the amount of financial protection established under this agreement and the amount of financial protection established under all other applicable agreements exceeds an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection, the obligations of the licensee described in paragraph 3 of this Article shall not exceed a greater proportion of an amount equal to the sum of \$200,000,000 and the amount available as secondary financial protection than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements. As used in this paragraph, and in Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c. or k. of the Act in which agreement the nuclear incident is defined as a "common occurrence."

Article III

4. (b) With respect to a common occurrence, the obligations of the Commission under this agreement shall apply only with respect to such public liability and such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) as in the aggregate exceed \$200,000,000.

Dated at Rockville, MD, this 15th of December 1988.

For the Nuclear Regulatory Commission.
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 88-29184 Filed 12-19-88; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-88-35]

Drawbridge Operation Regulations; Clearwater Pass, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of Clearwater, Florida, the Coast Guard is changing the regulations governing the Clearwater Pass (SR 699) drawbridge between Sand Key and Clearwater Beach by adding one hour to the existing regulated period. This proposal is being made because of an increase in highway traffic on weekends and holidays.

DATE: Comments must be received on or before February 3, 1989.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131-3050. The comments and other materials referenced in this notice will be available for inspection and copying on the 4th Floor of the Brickell Plaza Federal Building, 909 SE 1st Avenue, Miami, Florida. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments also may be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ian MacCartney at (305) 536-4103.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Ian L. MacCartney, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Proposed Regulations

The draw presently opens on signal, except that from 12 noon to 6 p.m. Saturdays, Sundays, and Federal holidays, the draw opens at 15 minute intervals. The City of Clearwater has requested openings at 20 minute intervals from 11 a.m. to 6 p.m. Saturdays, Sundays and Federal holidays. Traffic study data for a recent 14 day period shows an approximate 20% increase in vehicular traffic since the last study in 1984. A review of the most recent 12 months of bridge logs shows that there has been a 20% reduction in the number of openings. As a result of the 15 minute regulations placed into effect in 1985, an average of five boats now wait for each opening during the regulated period. Reduction in openings to 20 minute intervals would further increase the number of vessels waiting for an opening, which would create potentially unsafe vessel congestion near the bridge. The holding area, especially east of the bridge, are very restricted due to shallow waters, with prevailing winds and tidal currents which would create difficulty for a larger number of accumulated vessels to maintain position in the channel.

The Coast Guard feels, therefore, that the proposed change to openings at 20 minute intervals is not warranted. However, there has been a slight shift in peak traffic periods. This shift can be accommodated by adding the proposed additional hour to the existing regulated period and still provide for the reasonable needs of navigation.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the proposal exempts tugs with tows. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

**PART 117—DRAWBRIDGE
OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); 33 CFR 117.43.

2. Part 117 is proposed to be amended by revising § 117.277(b) to read as follows:

§ 117.277 Clearwater Pass.

* * * * *

(b) From 11 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays the draw need open only on the hour, quarter-hour, half-hour and three-quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time.

* * * * *

Dated: December 5, 1988.

Martin H. Daniell,

Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.

[FR Doc. 88-29174 Filed 12-19-88; 8:45 am]

BILLING CODE 4910-14-M

Notices

Federal Register

Vol. 53, No. 244

Tuesday, December 20, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Determination of Quota Period and Import Quotas for Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice establishes a sugar import quota period of January 1, 1989 through December 31, 1989 and an import quota of 1,061,279 metric tons, raw value, for such period.

EFFECTIVE DATE: January 1, 1989.

FOR FURTHER INFORMATION CONTACT:

John Nuttall, Foreign Agricultural Service, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447-2916.

SUPPLEMENTARY INFORMATION:

Presidential Proclamation No. 4941 of May 5, 1982, (47 FR 19661) amended headnote 3 of subpart A, part 10, schedule 1 of the Tariff Schedules of the United States to establish a system of import quotas for foreign sugar coming into the United States. Under the terms of headnote 3, the Secretary of Agriculture established an annual sugar import quota period of October 1-September 30 beginning October 1, 1982. (47 FR 34812) Effective January 1, 1989, headnote 3 becomes additional U.S. note 3 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), in accordance with section 1204 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418).

Presidential Proclamation No. 4941 also permits the Secretary of Agriculture, after consultations with the U.S. Trade Representative and the Department of State, to establish quota periods for other than quarterly periods, if he determines that such periods are appropriate to give due consideration in the United States sugar market to the interests of domestic producers and materially affected contracting parties

to the General Agreement on Tariffs and Trade. This notice announces the Secretary of Agriculture's determinations, after the appropriate consultations, that the sugar import quota period shall begin on January 1, 1989 and terminate on December 31, 1989 and that the import quota for such period shall be 1,061,279 metric tons, raw value.

Notice

Notice is hereby given that, in accordance with the requirements of additional U.S. note 3 to Chapter 17 of the HTS (note 3), I have determined that up to 1,061,279 metric tons, raw value, of sugar described in items 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1702.90.40, 1806.10.40, and 2106.90.10 of the HTS may be entered or withdrawn from warehouse for consumption during the period January 1, 1989 through December 31, 1989. Of the 1,061,279 metric tons, raw value, 1,815 metric tons, raw value, are reserved for specialty sugars from countries listed in paragraph (c)(ii) of note 3 and 6,464 metric tons, raw value, are reserved as a quota adjustment amount allocated in accordance with paragraph (c)(v) of note 3.

I have also determined that this quota amount (1,061,279 metric tons, raw value) and quota period give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

In conformity with the above, paragraph (a)(i) of note 3 is modified to read as follows:

3. (a)(i) The total amount of sugars, syrups and molasses described in subheadings 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1702.90.40, 1806.10.40, and 2106.90.10, the products of all foreign countries, entered, or withdrawn from warehouse for consumption, during the period January 1, 1989 through December 31, 1989 shall not exceed in the aggregate 1,061,279 metric tons, raw value. Of this amount, the total amount permitted to be imported for purposes of paragraph (c)(i) of this note (the total base quota amount) shall be 1,053,000 metric tons, raw value; 1,815 metric tons, raw value, may only be used for the importation of "specialty sugars" as defined by the United States Trade Representative in accordance with

paragraph (c)(ii) of this note; and the remaining 6,464 metric tons, raw value, may only be imported for the purposes specified in paragraph (c)(v) of this note (the quota adjustment amount.)

Signed at Washington, DC on December 15, 1988.

Peter C. Myers,

Acting Secretary of Agriculture.

[FR Doc. 88-29153 Filed 12-19-88; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-021]

Cell-Site Transceivers and Related Subassemblies From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On July 28, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on cell-site transceivers and related subassemblies from Japan. The review covers one manufacturer/exporter of this merchandise to the United States, Kokusai Electric, and the period January 1, 1987 through December 31, 1987. The review indicates no shipments during the period and there are no known unliquidated entries.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT:

Michael J. Heaney or John R. Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Room B-099, 14th Street & Constitution Avenue NW., Washington, DC 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:**Background**

On July 28, 1988, the Department of Commerce ("the Department") published in the *Federal Register* (53 FR 28424) the preliminary results of its administrative review of the antidumping duty order on cell-site transceivers and subassemblies from Japan (50 FR 307, January 3, 1985). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules will be fully converted to the *Harmonized Tariff Schedule* ("HTS") and all merchandise entered, or withdrawn from warehouse, for consumption on or after this date will be classified solely according to the appropriate HTS item number(s). Until that time, however, the Department will be providing both the appropriate *Tariff Schedules of the United States Annotated* ("TSUSA") item numbers and the appropriate HTS item number(s) with its product descriptions. As with the TSUSA, the HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive as to the scope of the product coverage.

We are requesting petitioners to include the appropriate HTS item number(s) as well as the TSUSA item number(s) in all petitions filed with the Department through the end of this year. A reference copy of this HTS is available for consultation in the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all U.S. Customs offices have reference copies, and petitioners may contact the import specialist at their local customs office to consult the schedule.

The products covered in this review are shipments of cell-site transceivers and related subassemblies currently classifiable under TSUSA item numbers 685.28100 and 685.2820 and HTS item numbers 8525.20.15, 8525.20.20, and 8525.20.30.

The review covers one manufacturer/exporter of this merchandise to the United States, Kokusai Electric Co., Ltd. ("Kokusai"), and the period January 1, 1987 through December 31, 1987.

Final Results of the Review

We invited interested parties to comment on the preliminary results of

review and tentative determination to revoke in part. We received no comments. Based on our analysis, the final results of review are the same as those presented in the preliminary results, and we determine that the following margin exists for the period January 1, 1987 through December 31, 1987:

Manufacturer/Exporter	Margin
Kokusai.....	*0.08

*No shipments during the period; margin from last review in which there were shipments.

As provided for by section 751(a)(1) of the Tariff Act, since the margin for Kokusai is 0.08 percent and, therefore, *de minimis* for cash deposit purposes, the Department will not require a cash deposit of estimated antidumping duties for Kokusai. For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after December 31, 1987 and who is unrelated to Kokusai, no cash deposit shall be required. These cash deposit requirements are effective for all shipments of Japanese cell-site transceivers and related subassemblies entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review and will remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.53a.

Jan W. Mares,
Assistant Secretary for Import
Administration.

Date: December 9, 1988.

[FR Doc. 88-29180 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-008]

**Revised Final Results of
Administrative Review of Antidumping
Duty Order; Circular Welded Carbon
Steel Pipes and Tubes From Taiwan**

AGENCY: International Trade
Administration/Import Administration,
Department of Commerce.

ACTION: Notice of Revised Final Results
of Administrative Review of
Antidumping Duty Order Pursuant to
Court Remand.

Summary of Remand Results

As a result of a remand from the United States Court of International Trade, the Department of Commerce has granted Far East Machinery Co., Ltd., a duty drawback adjustment to U.S. price. Accordingly, we have revised the final results of the first administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Taiwan (51 FR 43946, December 5, 1986) for the period October 1, 1983, through April 30, 1984, to reflect a margin for Far East Machinery Co., Ltd., of 12.30 percent. We will direct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT:
Anne D'Alauro or Robert Marenick,
Office of Antidumping Compliance,
International Trade Administration, U.S.
Department of Commerce, Washington,
DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:**Background**

On December 5, 1986, the Department of Commerce ("the Department") published in the *Federal Register* (51 FR 43946) the final results of its first administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Taiwan (49 FR 19369, May 7, 1984). The review covered the period October 1, 1983, through April 30, 1984. The results of the review were challenged in the United States Court of International Trade ("the Court") by Far East Machinery Co., Ltd. ("FEMCO"), a producer.

In its final results of administrative review, the Department had denied a duty drawback adjustment to U.S. price for FEMCO. The duty drawback adjustment was denied on the grounds that FEMCO failed to substantiate its claim that it had imported and paid duties on a sufficient quantity of appropriate steel coil to have produced the merchandise exported to the U.S. and on which it received a rebate from the authorities in Taiwan. The Court remanded the issue to the Department. Upon reconsideration of the evidence on the record, the Department affirmed that FEMCO had in fact provided such evidence. Therefore, in its revised final results of administrative review, the Department has granted FEMCO an adjustment to U.S. price for duty drawback. This adjustment was limited to the amount of import duties paid on appropriate coil imports with an adjustment to account for an estimated

loss rate experienced in producing the subject merchandise.

Remand Results

As a result of this remand, and the granting of an adjustment to U.S. price for duty drawback for FEMCO, the Department has revised its final results of the first administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Taiwan for the period October 1, 1983, to April 30, 1984, from 41.22 percent to 12.30 percent for FEMCO. The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries from FEMCO. Individual differences between United States price and foreign market value may vary from the weighted-average margin of 12.30 percent. The Department will issue appraisal instructions directly to Customs.

Date: December 13, 1988.

Jan W. Mares,
Assistant Secretary for Import
Administration.

[FR Doc. 88-29181 Filed 12-19-88; 8:45 am]
BILLING CODE 3501-DS-M

[A-484-801]

Postponement of Final Antidumping Duty Determination; Electrolytic Manganese Dioxide From Greece

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On November 21, 1988, we received a request from counsel for the respondent, Tosoh Hellas A.I.C. from Greece, that the final determination be postponed as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d (a)(2)(A)). Pursuant to this request, we are postponing our final antidumping duty determination as to whether sales of electrolytic manganese dioxide from Greece have been made at less than fair value until not later than February 22, 1989.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Holly Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-2923 or 377-4733.

SUPPLEMENTARY INFORMATION: On June

27, 1988, we published a notice in the *Federal Register* that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether imports of electrolytic manganese dioxide from Greece are being, or are likely to be sold at less than fair value (53 FR 24114). We published our preliminary affirmative determination on November 14, 1988 (53 FR 45793). This notice stated that we would issue a final determination on or before January 23, 1989. On November 21, 1988, counsel for the respondent, Tosoh Hellas A.I.C. of Greece, requested that we postpone making our final determination for a period of thirty days pursuant to section 735(a)(2)(A) of the Act. This respondent accounts for a significant proportion of exports of the subject merchandise to the United States, and thus is qualified to make this request. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, we grant the request and postpone our final determination until not later than February 22, 1989.

In the preliminary determination we stated that a public hearing would be held, if requested. A public hearing has now been requested and has been scheduled for January 17, 1989 at the United States Department of Commerce, Room 1414, 14th Street and Constitution Avenue NW., Washington, DC. It will follow the hearing concerning electrolytic manganese dioxide from Ireland to be held at 9:30 a.m. in the same room. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Assistant Secretary by January 9, 1989. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, at the above address, and will be considered if received not less than 30 days before the final determination is due, or if a

hearing is held, within seven days after the hearing transcript is available.

This notice is published pursuant to section 735(d) of the Act.

Date: December 13, 1988.

Jan W. Mares,
Assistant Secretary for Import
Administration.

[FR Doc. 88-29177 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-419-801]

Postponement of Final Antidumping Duty Determination; Electrolytic Manganese Dioxide From Ireland

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On November 29, 1988, we received a request from counsel for the petitioners, Chemetals and Kerr-McGee, that the final determination be postponed as provided for in section 735(a)(2)(B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(B)). Pursuant to this request, we are postponing our final antidumping duty determination as to whether sales of electrolytic manganese dioxide from Ireland have been made at less than fair value until not later than February 22, 1989.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Holly Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-2923 or 377-4733.

SUPPLEMENTARY INFORMATION: On June 27, 1988, we published a notice in the *Federal Register* that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether imports of electrolytic manganese dioxide from Ireland are being, or are likely to be sold at less than fair value (53 FR 24115). We published our preliminary negative determination on November 14, 1988 (53 FR 45795). This notice stated that we would issue a final determination on or before January 23, 1989. On November 29, 1988, counsel for the petitioners, Chemetals and Kerr-McGee, requested that we postpone making our final determination for a period of thirty days pursuant to section 735(a)(2)(B) of the Act. If the petitioners

properly request an extension after a negative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, we grant the request and postpone our final determination until not later than February 22, 1989.

In the preliminary determination we stated that a public hearing would be held, if requested. A public hearing has now been requested and has been scheduled for January 17, 1989 at 9:30 a.m. at the United States Department of Commerce, Room 1414, 14th Street and Constitution Avenue NW., Washington, DC. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Assistant Secretary by January 9, 1989. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, at the above address, and will be considered if received not less than 30 days before the final determination is due, or if a hearing is held, within seven days after the hearing transcript is available.

This notice is published pursuant to section 735(d) of the Act.

Date: December 13, 1988.

Jan W. Mares,
Assistant Secretary for Import
Administration.

[FR Doc. 88-29176 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-806]

Postponement of Final Antidumping Duty Determination; Electrolytic Manganese Dioxide From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On November 21, 1988, we received a request from counsel for the respondent, Tosoh Corporation from Japan, that the final determination be postponed as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C.

1673d(a)(2)(A)). Pursuant to this request, we are postponing our final antidumping duty determination as to whether sales of electrolytic manganese dioxide from Japan have been made at less than fair value until not later than February 22, 1989.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT: Kelly Parkhill or Anne D'Alauro, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-0145 or 377-2923.

SUPPLEMENTARY INFORMATION: On June 27, 1988, we published a notice in the Federal Register that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether imports of electrolytic manganese dioxide from Japan are being, or are likely to be sold at less than fair value (53 FR 24116). We published our preliminary affirmative determination on November 14, 1988 (53 FR 45796). This notice stated that we would issue a final determination on or before January 23, 1989. On November 21, 1988, counsel for the respondent, Tosoh Corporation of Japan, requested that we postpone making our final determination for a period of thirty days pursuant to section 735(a)(2)(A) of the Act. This respondent accounts for a significant proportion of exports of the subject merchandise to the United States, and thus is qualified to make this request. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, we grant the request and postpone our final determination until not later than February 22, 1989.

In the preliminary determination we stated that a public hearing would be held, if requested, within 10 days of the date of publication of that notice. The Department has not received within that time a request for a hearing. All written views should be filed in accordance with 19 CFR 353.46, at the above address, and will be considered if received not less than 30 days before the final determination is due.

This notice is published pursuant to section 735(d) of the Act.

Jan W. Mares,
Assistant Secretary for Import
Administration.

[FR Doc. 88-29179 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-801]

Postponement of Preliminary Antidumping Duty Determination; Steel Wheels From Brazil

AGENCY: International Trade Administration, Import Administration, Commerce.

SUMMARY: This notice informs the public that we have received a request from petitioner in this investigation to postpone the preliminary determination as permitted by section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). Based on this request, we are postponing our preliminary determination of whether sales of steel wheels from Brazil have occurred at less than fair value until not later than February 24, 1989.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine or Anne D'Alauro, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-5255 or (202) 377-2923.

SUPPLEMENTARY INFORMATION: On August 24, 1989 (53 FR 32267) we published a notice of initiation of an antidumping duty investigation to determine whether steel wheels from Brazil are being, or are likely to be, sold in the United States at less than fair value. The notice stated that we would issue our preliminary determination by January 5, 1989.

As detailed in the notice, the petition alleged that imports of steel wheels from Brazil are being, or are likely to be, sold in the United States at less than fair value.

On December 12, 1988 petitioner, Kelsey-Hayes Company, requested that the Department extend the period for the preliminary determination until not later than 210 days after receipt of the petition in accordance with section 733(c)(1)(A) of the Act. Accordingly, the period for determination in this case is hereby extended. We intend to issue a preliminary determination not later than February 24, 1989.

This notice is published pursuant to section 733(c)(2) of the Act.

Jan W. Mares,
Assistant Secretary for Import
Administration.

[FR Doc. 88-29176 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

December 15, 1988.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the
Commissioner of Customs adjusting
limits.

EFFECTIVE DATE: December 15, 1988.

FOR FURTHER INFORMATION CONTACT:

Jerome Turtola, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 377-4212. For information on the
quota status of these limits, refer to the
Quota Status Reports posted on the
bulletin boards of each Customs port or
call (202) 566-6828. For information on
embargoes and quota re-openings, call
(202) 377-3715.

SUPPLEMENTARY INFORMATION: The
current limit for wool textile products in
Categories 445/446 is being increased
for carryforward. In addition, the limit
for man-made fiber textile products in
Category 611 is being increased by
application of swing, reducing the limit
for Category 613 to account for the
swing being applied.

A description of the textile and
apparel categories in terms of T.S.U.S.A.
numbers is available in the
CORRELATION: Textile and Apparel
Categories with Tariff Schedules of the
United States (see Federal Register
notice 52 FR 47745, published on
December 16, 1987). Also see 53 FR 55,
published on January 4, 1988; and 53 FR
25525, published on July 7, 1988.

The letter to the Commissioner of
Customs and the actions taken pursuant
to it are not designed to implement all of
the provisions of the bilateral
agreement, but are designed to assist
only in the implementation of certain of
its provisions.

Authority. Executive Order 11651 of March
3, 1972, as amended; Section 204 of the
Agricultural Act of 1956, as amended (7
U.S.C. 1854)

James H. Babb,

Chairman, Committee for the Implementation
of Textile Agreements.

Committee for the Implementation of Textile
Agreements

December 15, 1988.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: This directive
amends, but does not cancel, the directive
issued to you on December 30, 1987, as
amended, by the Chairman, Committee for
the Implementation of Textile Agreements.
That directive concerns imports into the
United States of certain cotton, wool, man-
made fiber, silk blend and other vegetable
fiber textiles and textile products, produced
or manufactured in China and exported
during the period which began on January 1,
1988 and extends through December 31, 1988.

Effective on December 15, 1988, the
directive of December 30, 1987 is amended
further to adjust the limits for wool and man-
made fiber textile products in the following
categories, as provided under the provisions
of the current bilateral agreement between
the Governments of the United States and the
People's Republic of China:

Category	Adjusted 12-month limit ¹
445/446	297,000 dozen.
611	5,355,000 square yards.
613	6,745,000 square yards.

¹ The limits have not been adjusted to account for
any imports exported after December 31, 1987.

The Committee for the Implementation of
Textile Agreements has determined that
these actions fall within the foreign affairs
exception to the rulemaking provisions of 5
U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation
of Textile Agreements.

[FR Doc. 88-29187 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has
submitted to OMB for clearance the
following proposal for collection of
information under the provisions of the
Paperwork Reduction Act (44 U.S.C.
Chapter 35).

**Title, Applicable Form, and
Applicable OMB Control Number:** Air
Force Systems Command (AFSC)
Industrial Modernization Incentive
Program (IMIP) Contractor
Demonstration; No applicable form; and
No OMB Control Number.

Type of Request: New.
**Average Burden Hours/Minutes Per
Response:** 15 minutes.

Frequency of Response: On occasion.
Number of Respondents: 500.
Annual Burden House: 125.
Annual Responses: 500.

Needs and Uses: The Air Force needs
the information to be collected by this
questionnaire to measure the

effectiveness of its end-of-contract
demonstrations as a means to
accomplish technology transfer among
Air Force contractors. The Air Force will
use the data collected to document and
track technology transfer and to fine
tune end-of-contract demonstrations to
better match the interests of contractor
attendees.

Affected Public: Businesses or other
for-profit; Small businesses or
organizations.

Frequency: Continuing.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dr. Timothy
Sprehe.

Written comments and
recommendations on the proposed
information collection should be sent to
Dr. Timothy Sprehe at Office of
Management and Budget, Desk Officer,
Room 3235, New Executive Office
Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl
Rascoe-Harrison.

A copy of the information collection
proposal may be obtained from, Ms.
Rascoe-Harrison, WHS/DIOR, 1215
Jefferson Davis Highway, Suite 1203,
Arlington, Virginia 22202-4302,
telephone (202) 746-0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

December 15, 1988.

[FR Doc. 88-29190 Filed 12-19-88; 8:45 am]

BILLING CODE 3510-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information
Administration, Energy.

ACTION: Notice of requests submitted for
review by the Office of Management
and Budget.

SUMMARY: The Energy Information
Administration (EIA) has submitted the
energy information collection(s) listed at
the end of this notice to the Office of
Management and Budget (OMB) for
review under provisions of the
Paperwork Reduction Act (44 U.S.C.
Chapter 35).

The listing does not include
information collection requirements
contained in new or revised regulations
which are to be submitted under 3504(h)
of the Paperwork Reduction Act, nor
management and procurement

assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden, and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before January 19, 1989.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI-70), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586-2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the DOE contact listed above.)

The energy information collection submitted to OMB for review was:

1. Energy Information Administration and the Federal Energy Regulatory Commission.
2. EIA-714, EIA-714(1) (FERC portion).
3. 1905-0161 and 1902-0140 (FERC portion).
4. Annual Electric Power System Report.
5. Revision.
6. Annually.
7. Mandatory.
8. State and local governments, Businesses or other for profit, Federal agencies or employees, and Non-profit institutions.
9. 300 respondents annually.

10. 300 responses annually.

11. The estimated average hours per response for each of the respondents is 101 burden hours.

12. The estimated total reporting hours are 30,300. Burden hours will be reduced from the previously approved version of this form by 9,600 hours. The number of respondents has decreased, data elements have been deleted, and the allowance of the submission of system maps result in this reduction.

13. EIA-714 gathers basic descriptive operation information regarding electric energy production, energy transfers, loads and maps and diagrams of facilities on a system basis. Responses are used in evaluation of utility operations related to hydroelectric license approvals, proposed mergers, proposed interconnections, and wholesale rate investigations. Respondents are major electric utilities.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a); and Sec. 4(a), 304, 309, and 311 of the Federal Power Act, (16 U.S.C. 791a-825r).

Issued in Washington, DC, December 14, 1988.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 88-29200 Filed 12-19-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER88-620-000, et al.]

Connecticut Light & Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Connecticut Light & Power Company

[Docket No. ER88-620-000]

December 12, 1988.

Take notice that on November 10, 1988, Connecticut Light & Power Company submitted for filing in this docket certain supplemental information regarding its filing in this docket. The information consists of provisions of the agreement between Connecticut Light & Power Company and Montaup Electric Company.

Comment date: December 20, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Pacific Power & Light Company

[Docket No. ER89-108-000]

December 13, 1988.

Take notice that on December 6, 1988, Pacific Power & Light Company (Pacific) tendered for filing a Power Sales Agreement between Pacific Power & Light Company and Puget Sound Power & Light Company (Puget), dated October 27, 1988. Pacific requests that a waiver of prior notice requirements be granted to allow the rate schedule to become effective November 1, 1988. Pacific states that copies of the filing have been supplied to the Washington Utilities and Transportation Commission, the Oregon Public Utilities Commission, and Puget.

Comment date: December 27, 1988, in accordance with Standard Paragraph E at the end of the notice.

3. Northern States Power Company

[Docket No. ER88-574-000]

December 13, 1988.

Take notice that on December 5, 1988, Northern States Power Company tendered for filing certain information regarding its filing in this docket.

Comment date: December 27, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Southern California Edison Company

[Docket No. ER88-606-000]

December 13, 1988.

Take notice that on November 28, 1988, Southern California Edison Company tendered for filing in this docket an amendment to its filing in this docket in response to a deficiency letter from the Commission dated September 27, 1988.

Comment date: December 27, 1988, in accordance with Standard Paragraph E at the end of this document.

5. Northern States Power Company

[Docket No. ER88-347-000]

December 13, 1988.

Take notice that on November 30, 1988, Northern States Power Company tendered for filing certain additional information to supplement its original filing in this matter.

Comment date: December 27, 1988, in accordance with Standard Paragraph E at the end of this notice.

6. PacifiCorp doing business as PacifiCorp Power & Light Company

[Docket No. ES89-11-000]

December 13, 1988.

Take notice that on December 6, 1988, PacifiCorp dba Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory

Commission, pursuant to section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell, prior to December 31, 1990, its fixed or floating rate No. Par Serial Preferred Stock with an aggregate preference on involuntary liquidation of not more than \$100,000,000 and (2) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Comment date: December 27, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. Ohio Power Company

[Docket No. ER88-576-000]

December 14, 1988.

Take notice that on November 22, 1988, in accordance with an October 20, 1988 letter from the Commission's Division of Electric Power Application Review, Ohio Power Company (OPCO) tendered for filing an amendment to its original filing, clarifying its justification and supplying additionally cost data as further support for its transmission service agreement with American Municipal Power-Ohio, Inc. (AMPO), which agreement was submitted for filing under cover of a letter dated August 22, 1988.

OPCO further states that a copy of the traditional cost support for its August 22, 1988 filing has been provided to the American Municipal Power-Ohio, Inc., the Public Utility Commission of Ohio and the Commission Staff.

Comment date: December 29, 1988, in accordance with Standard Paragraph E at the end of this notice.

8. Arizona Public Service Company

[Docket No. ER89-76-000]

December 14, 1988.

Take notice that on November 22, 1988, Arizona Public Service Company (APS) tendered for filing a Letter Agreement between APS and Maricopa County Municipal Water Conservation and Drainage District Number One (MCM). This agreement provides for continuation of existing supplemental power, wheeling, administrative and "banking" services being rendered by APS for MCM for an extended interim period ending April 30, 1989 or upon execution of more comprehensive agreements, whichever date occurs first. Such services are currently provided to MCM under APS FERC Rate Schedule No. 157.

APS, with concurrence of MCM requests waiver of 18 CFR 35.11 and 35.3 so that the Agreement will become effective on January 1, 1989.

No change in any terms or conditions

from those currently effective for these services is proposed.

Copies of this filing have been served upon the Arizona Corporation Commission and MCM.

Comment date: December 29, 1988, in accordance with Standard Paragraph E at the end of this notice.

9. Ogden Martin Systems of Fairfax

[Docket No. ER89-105-000]

December 14, 1988.

Take notice that on December 5, 1988, Ogden Martin Systems of Fairfax, Inc. (Ogden Fairfax) tendered for filing with the Federal Energy Regulatory Commission its initial rate schedule and supporting documentation. The rate schedule consists of a unit power agreement between Ogden Fairfax and Virginia Electric and Power Company (Virginia Power). The unit power agreement provides for the sale of the capacity and corresponding energy of a new resource recovery and electric generating facility to be constructed in Lorton, Virginia and owned by Ogden Fairfax.

Ogden Fairfax has requested a waiver of notice requirements to permit filing of the rate schedule more than 120 days prior to its proposed effective date and a petition for waiver of the Commission's regulations inappropriate to qualifying small power producers including cost of service data. Copies of the filing were served upon Virginia Power and the Virginia State Corporation Commission.

Comment date: December 29, 1988, in accordance with Standard Paragraph E at the end of this notice.

10. Tenaska III Texas Partners

[Docket No. QF88-295-002]

December 14, 1988.

On November 28, 1988, Tenaska III Texas Partners (Applicant), of 407 North 117 Street, Omaha, Nebraska 68154, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Lamar County, Texas. The facility will consist of two combustion turbine generators, two waste heat recovery steam generators, and an extraction/condensing turbine generator. Thermal energy recovered from the facility will be used by Campbell Soup (Texas) Inc. for food processing. The maximum net electric power production capacity will be 250

megawatts. The primary energy source will be natural gas. Construction of the facility was scheduled to commence September 1988.

By order issued June 1, 1988, the Commission granted certification of the facility as a cogeneration facility (43 FERC ¶ 62,247).

The recertification is requested due to a change in the ownership of the facility from Tenaska III, Inc. to Tenaska III Texas Partners.

Tenaska III Partners is a general partnership consisting of the following general partners: Tenaska III Partners LTD., H.S. Power I, Inc., TTP, Inc., Diamond Paris Cogen, Inc., Texas Paris Cogen, Inc., Empeco, Inc., and Tenaska III, Inc. Empeco, Inc., a wholly owned subsidiary of Continental Energy Services, Inc., which is a wholly owned subsidiary of The Montana Power Co., an electric utility, has an ownership interest in the facility. TTP, Inc., a wholly owned subsidiary of Midwest Capital Group, Inc., which is a wholly owned subsidiary of Midwest Energy Co., an electric utility holding company, also has an ownership interest in the facility. However, the applicant states that such utility ownership interest does not exceed 50%.

Comment date: Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-29182 Filed 12-19-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30293; FRL-3495-3]

Certain Companies; Applications to Register Pesticide Products; Griffin Corp. et al.**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by January 19, 1989.

ADDRESS: By mail submit comments identified by the document control number [OPP-30293] and the registration/file numbers to:

Public Docket and Freedom of Information Section, Field Operations Programs (TS-757C), Attn: PM 17, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Environmental Protection Agency, Rm. 246, CM#2, Attn: PM 17, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Phil Hutton, PM 17, Rm. 207, CM#2, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included in Any Previously Registered Product

1. File Symbol: 1812-GGN. Applicant: Griffin Corporation, PO Box 1847, Valdosta, GA 31601. Product name: Raid Ant Controller II. Insecticide. Active ingredient: *N*-ethyl perfluorooctanesulfonamide 0.5%. Proposed classification/Use: General. For indoor use on ants. (PM 17)

2. File Symbol: 1812-GEO. Applicant: Griffin Corporation. Product name: Raid Roach Controller II. Insecticide. Active ingredient: *N*-ethyl perfluorooctanesulfonamide 1.00%. Proposed classification/Use: General. For the control of roaches indoors. (PM 17)

3. File Symbol: 1812-GET. Applicant: Griffin Corporation. Product name: GX-071 Technical. Insecticide. Active ingredient: *N*-ethyl perfluorooctanesulfonamide 98.5%. Proposed classification/Use: General. For formulating use indoors. (PM 17)

4. File Symbol: 524-UNR. Applicant: Monsanto Chemical Co., 800 No. Lindbergh Blvd., St. Louis, MO 63167. Product name: Tricalcium Phosphate. Insecticide. Active ingredient: Calcium hydroxyapatite 94.4%. Proposed classification/Use: General. For the control of cockroaches, ants, flies, ticks, and fleas in food handling establishments and other uses indoors. (PM 17)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 138.

Dated: December 6, 1988.

Anne E. Lindsay,
Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-29159 Filed 12-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44521; FRL-3495-1]

TSCA Chemical Testing; Receipt of Test Data**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: This notice announces the receipt of test data on meta-cresol (CAS No. 108-39-4), submitted pursuant to a final test rule, and 3,4-dichlorobenzotrifluoride (DCBTF; CAS No. 328-84-7), submitted pursuant to a consent order, under the TOXIC Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St. SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for meta-cresol was submitted by the Chemical Manufacturers Association pursuant to a test rule for cresols at 40 CFR 799.1250. It was received by EPA on November 28, 1988. The submission describes a mutagenicity test on meta-cresol in the *in vitro* transformation of BALB/C-3T3 cells assay in the presence of a rat liver cell activation system. Mutagenicity testing is required by this test rule.

Cresols are used as wire enamel solvents, automotive cleaners, and organic intermediates in manufacturing phenolic resins and phosphate esters. Additional uses of either individual isomers or mixtures are: In the production of several herbicides and disinfectants; as cleaning compounds,

degreasers and antioxidants; and in ore flotation.

Test data for DCBTF was submitted by Occidental Chemical Corporation pursuant to a consent order at 40 CFR 799.5000. It was received by EPA on December 6, 1988. The submission describes the trout early life stage study with rainbow trout. Environmental effects testing is required by this test rule.

DCBTF is used as an herbicide intermediate.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to their completeness.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44521). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: December 13, 1988.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 88-29180 Filed 12-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140110; FRL-3495-4]

Access to Confidential Business Information by American Scientific International, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, American Scientific International, Incorporated, (ASI) of McLean, VA, for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATE: Access to the confidential data submitted to EPA will occur no sooner than January 5, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In accordance with 40 CFR 2.306(j), EPA has determined that ASI will require access to CBI submitted to EPA under all sections of TSCA to perform successfully work specified under the contract. ASI personnel will be given access to information submitted under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

Under contract no. 68-D9005, contractor ASI, 6888 Elm Street, McLean, VA will assist the Office of Toxic Substances by providing typing, editing, proofreading, photocopying, and graphic support for all phases of operations pertaining to TSCA.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ASI access to these CBI materials on a need-to-know basis. All access to TSCA CBI under this contract will take place at EPA Headquarters.

Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1989.

ASI personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: December 11, 1988.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 88-29158 Filed 12-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51722; FRL-3495-2]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of eight such PMNs and provides a summary of each.

DATES: Close of Review Periods:

P 89-115, February 19, 1989.

P 89-129, January 22, 1989.

P 89-130, 89-131, 89-132, 89-133,

February 26, 1989.

P 89-134, 89-135, February 27, 1989.

Written comments by:

P 89-115, January 20, 1989.

P 89-129, December 23, 1989.

P 89-130, 89-131, 89-132, 89-133, January 27, 1989.

P 89-134, 89-135, January 28, 1989.

ADDRESS: Written comments, identified by the document control number "[OPTS-51722]" and the specific PMN number should be sent to:

Document Control Office (TS-790),
Office of Toxic Substances,
Environmental Protection Agency, 401
M Street SW., Room 201 East Tower,
Washington, DC 20460 (202) 382-3532.

FOR FURTHER INFORMATION CONTACT:

Lawrence Culleen, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 89-115

Manufacturer. Werner G. Smith, Inc.
Chemical. (G) Mixed dibasic acid esters of mono and dihydric alcohols; mixed esters of mono and dihydric alcohols.

Use/Production. (S) Metal working lubricant. Prod. range: 2,000-300,000 kg/yr.

P 89-129

Manufacturer. Confidential.
Chemical. (G) Organo silane.
Use/Production. (G) Coating for plastic films. Prod. range: Confidential.

P 89-130

Importer. (DNP (America), Inc.
Chemical. (G) Indophenol derivative.
Use/Import. (S) Dye for heat transfer recording material. Import range: 50-200 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rat). Eye irritation: None species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 89-131

Importer. DNP (America), Inc.

Chemical. (G) Indophenol derivative.
Use/Import. (S) Dye for heat transfer recording material. Import range: 50-200 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species(Rat). Acute dermal toxicity: LD50 > 2 g/kg species(Rat). Eye irritation: None species(Rabbit). Skin irritation: negligible species(Rabbit). Mutagenicity: Negative.

P 89-132

Importer. DNP (America), Inc.
Chemical. (G) Indophenol derivative.
Use/Import. (S) Dye for heat transfer recording material. Import range: 50-200 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species(Rat). Acute dermal toxicity: LD50 > 2 g/kg species(Rat). Eye irritation: None species(Rabbit). Skin irritation: Negligible species(Rabbit). Mutagenicity: Negative.

P 89-133

Manufacturer. Confidential.
Chemical. (G) Modified hydrocarbon polymer.
Use/Production. (G) Minor additive for the binder used in publication gravure printing inks. Prod. range: Confidential.

P 89-134

Manufacturer. Novo Biochemical Industries, Inc.
Microorganism: (G) *Aspergillus oryzae* was modified using recombinant DNA techniques to contain an intergeneric lipase gene. Fragments of intergeneric vectors were also introduced into this strain.

Use/Production: This microorganism will be used for the biosynthesis of an enzyme: triacylglycerol lipase.
Production range: Confidential.

Test Data: Pathogenicity study by intravenous administration to mice showed no pathogenic potential in the 21 day test. Survival tests in soil showed a poorer viability than the host strain and the Southern blot studies show the lipase gene is stable on *Aspergillus oryzae*. Tests showed decreased sporulation proficiency in the modified strain relative to the host strain.

Exposure: Workers in laboratory and production areas.

Environmental release/Disposal: During production, live cells are maintained in closed vessels. At the end of the production cycle, the cells are inactivated. Disposal of cell waste: Solid waste is used as a fertilizer on company property, liquid waste is collected in two aerated storage lagoons on company property to be used to irrigate crops on

company property, and air emissions are ozone treated and discharged to the atmosphere through the fermenter exhaust stack.

P 89-135

Manufacturer. Tennant Company.
Chemical. (G) Urethane resin.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.
Date: December 13, 1988.

Steven Newburg-Rinn,
Acting Director, Information Management
Division, Office of Toxic Substances.
[FR Doc. 88-29161 Filed 12-19-88; 8:45 am]
BILLING CODE 6550-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Individual and Family Grant Program

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: On November 23, 1988, the President declared the State of Arkansas eligible for Federal disaster assistance due to severe storms and tornadoes (FEMA-DR-817). This notice advises the public of two minor procedural changes FEMA is implementing on a test basis.

In this disaster relief operation, a field test of registering applications for assistance program by telephone will be conducted. These telephone registration procedures will be implemented in place of the usual Disaster Application Centers. Outreach efforts will continue and the disaster assistance registration telephone number will be widely publicized to ensure that all those eligible for assistance who wish to apply may do so.

Under the test, applicants will not be required to obtain a formal decision on a loan application from the Small Business Administration if the applicant would not qualify for a loan based on the income information provided to FEMA during the registration process. The normal procedure, typically performed in the Disaster Application Centers, consists of SBA representatives issuing loan declines if registrants meet certain income criteria. In the test, FEMA will review the income information given by the registrants and, if they would not qualify for the loan, transfer the application directly to the Individual and Family Grant program staff. Individual and family grants made by the State on the basis of Federally sponsored loan qualification information are not subject to recovery by the State, i.e., FEMA will not hold the State

responsible for repaying to FEMA the Federal share of those grants. The State is responsible for its 25 percent share of those grants. This suspension applies only to the FEMA-DR-817 declaration in Arkansas.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3662.

Date: December 12, 1988.

Grant C. Peterson,
Associate Director, State and Local Programs and Support.

[FR Doc. 88-29154 Filed 12-19-88; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

(No. 89-1289)

Prices for Federal Home Loan Bank Services

Date: December 12, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of prices for Federal Home Loan Bank Services.

SUMMARY: The Office of District Banks and the Office of Policy And Economic Research of the Federal Home Loan Bank Board ("Board") are publishing, pursuant to delegated authority, the prices charged by the Federal Home Loan Banks ("FHLBanks") for (1) processing and settlement of items ("negotiable order of withdrawal or NOW") and; (2) demand deposit accounting ("DDA") and other services offered to member institutions.

EFFECTIVE DATE: December 20, 1988.

FOR FURTHER INFORMATION CONTACT: Amy R. Maxwell (202) 377-7865, or William J. Carey, (202) 377-6656, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: Section 11(e) of the Federal Home Loan Bank Act ("Bank Act") (12 U.S.C. 1431(e)) authorizes the Federal Home Loan Banks (1) to accept demand deposits from member institutions, (2) to be drawees of payment instruments, (3) to engage in collection and settlement of payment instruments drawn on or issued by members and eligible institutions, and (4) to engage in such incidental activities as are necessary to the exercise of such authority. Section 11(e)(2)(B) of the Bank Act (12 U.S.C. 1431(e)(2)(B)) requires the Federal Home

Loan Banks to charge fees for services authorized in that section, which fees are "to be determined and regulated by the Board consistent with the principles set forth in section 11A(c) of the Federal Reserve Act." Board regulations at 12 CFR 534.6 require that the Director of the Office of District Banks and the Director of the Office of Policy and Economic Research (or their designees) review, approve and publish these fees at least annually. The fees for 1988 will be published at this time, but compliance for 1988 will be determined in 1989 when data for the entire year is available. The regulations require the FHLBanks to follow four basic pricing principles as follows:

(1) Services must be priced explicitly.
(2) Services must be available to member and nonmember depository institutions on an equal basis.

(3) Over the long run, fees must cover direct and indirect costs and must also cover an imputed cost that includes taxes paid and the return on capital that would have been provided if the services had been furnished by a private firm.

(4) Interest on float must be charged at the Federal Funds rate. In 1980, the Board developed a methodology to determine compliance with these four principles, which is based on discounted cash flows from the NOW and DDA services. Since the FHLBanks had very few assets employed in the provision of these services and only projections of future income from NOW services, the methodology adopted at that time was appropriate. Compliance with the pricing principles focused on a five-year time span to recover all direct and indirect costs of these services.

At the end of 1985, the FHLBanks completed five years of NOW processing services. Both NOW services and DDA type services are mature activities with an asset base and normal income flows. In recognition of this evolution, the Board developed an up-to-date methodology substantially similar to that adopted by the Federal Reserve Board to monitor pricing of these services.

The following section summarizes the adopted methodology, which will continue to ensure that FHLBank NOW and DDA services are not priced in a manner that would provide unfair competition to private firms.

Methodology

Two major issues arise in determining appropriate pricing methodology. First, competitor firms must be identified. Second, adjustment must be made for the taxes and return on capital that prices of competitor firms must cover.

This adjustment is sometimes referred to as a Private Sector Adjustment Factor ("PSAF").

The methodology was developed based on bank holding companies as competitor firms. Although firms in other industries could be chosen as competitors, commercial banks are generally the most frequent competitors in item processing and related services. Similarly, the Federal Reserve Bank also has chosen bank holding companies as competitors for development of adjustments for taxes and the imputed cost of capital.

Adjustment for Taxes and Return on Capital

In order to compare competitor data to the FHLBanks, several broad assumptions were established as follows:

(A) NOW and DDA services may be combined under the Board's pricing approval methodology.

(B) Compliance with NOW/DDA pricing guidelines is on an individual FHLBank basis.

(C) One set of bank holding company data will be applied to FHLBanks, rather than applying regional competitor data to regional FHLBanks.

(D) Federal Home Loan Bank data, which is required for the NOW/DDA pricing methodology, may be determined on an individual FHLBank basis as follows: (1) NOW/DDA prices; (2) earnings on balances generated from item processing; (3) direct and indirect costs; and (4) assets employed in NOW/DDA services.

Based on the previous assumptions, appropriate bank holding company data and FHLBank data can be incorporated into the pricing methodology. The pricing methodology is as follows:

(A) Federal Home Loan Bank NOW/DDA costs are adjusted (increased) for the cost of financing the assets (primarily plant and equipment) employed in the provision of NOW/DDA services.

(B) NOW/DDA costs are increased for sales taxes that would have been paid if subject to such tax.

(C) NOW/DDA costs are adjusted for the cost of float at the Federal Funds rate.

(D) Imputed income taxes are applied to pre-tax NOW/DDA income using a three-year average from bank holding company data (36.16% rate).

(E) The after tax rate of return on capital from NOW/DDA services is compared to the after tax return on capital of bank holding companies (13.59% rate).

These adjustment factors ensure that the NOW/DDA services are priced in a

competitive manner. Also, the factors are similar to the adjustments made by the Federal Reserve Board and represent a conservative approach consistent with the intent of Congress that pricing encourage competition and efficiency in the provision of these services.

In accordance with these principles, the Director of the Office of District Banks and the Director of the Office of Policy and Economic Research have reviewed the 1988 prices for Federal Home Loan Bank services which are published herewith. In early 1988, compliance with the pricing principles was tested based upon projected levels of service for each FHLBank. Final compliance and approval for 1988 will be determined in early 1989 when data for the entire year is available. At that time, 1989 prices will be published and preliminary compliance tests for 1989 will be performed so that the Board's monitoring of the pricing policy is continuous. The services and their prices which are published herewith are divided into two categories: (1) NOW Services involved in the processing and settlement of items drawn on or issued by member institutions ("Schedule A"); and (2) services relating to demand deposit accounts and other services maintained by member institutions with the FHLBanks ("Schedule B").

The services described in the attached schedules are not identical for any two FHLBanks, as each FHLBank's program is tailored to meet the needs of the member institutions in the FHLBank's district. Furthermore, the volume of services rendered varies significantly among the districts, with the result that the costs of providing the services also vary from district to district. In light of these considerations, the Board continues its practice of approving separate district fee structures rather than adopting a uniform pricing scheme. This policy is consistent with the congressional intent that pricing encourage competition.

It is not required that each processing step or transaction performed by a FHLBank be specifically priced. This policy permits the FHLBanks to establish fee schedules that are in line with the marketing practices of providers of correspondent services in each district.

The directors of the Office of District Banks and the Office of Policy and Economic Research of the Federal Home Loan Bank Board hereby give notice of the following fee schedules for Federal Home Loan Bank services:

Schedule A: Item Processing and Settlement Services (1988 NOW Services)

DISTRICT 1.—FEDERAL HOME LOAN BANK OF BOSTON

[Services not provided]

DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK (1988 NOW SERVICES)

Services	Fee
Standard Intercept (per item).....	\$.050
Standard Intercept-Delayed Check (per item).....	.035
Check Safekeeping (a combined minimum monthly charge of \$250 applicable):	
First 50,000 items/month (per item).....	.025
50,001 plus items/month (per item).....	.010
Check Bulkfilling (a combined minimum monthly charge of \$250 applicable):	
First 50,000 items/month (per item).....	.030
50,001 plus items/month (per item).....	.015
Statement Rendering:	
Bulk Filing items:	
First 10,000 statements/months (per statement).....	.30
10,001 plus statements/month (per statement).....	.15
Check Safekeeping items (per statement).....	.05
Return Items (per item).....	3.25
Return Items without entry (per item).....	6.00
Late Return Premium.....	.25
FRB Large Dollar Notification.....	4.25
Photocopies (per copy).....	2.50
Original Item Retrieval (per item).....	4.00
Datafax High Dollar Items—Front only (per item).....	1.50
Datafax High Dollar Items—Both Sides (per item).....	2.00
Counter Item Filing (per item).....	.03
Counter Item Sorting (per item).....	.03
Notices or Advertising Inserts (per insert).....	.01
Monthly History Microfiche (per 100,000 items).....	8.00
Monthly History Microfiche-Additional Copies (per fiche card).....	1.00
Cycle Changes (per cycle).....	25.00
Cycle Exception Maintenance (per mo. per account).....	.50
Data Center Conversions (per conversion).....	500.00

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1988 NOW SERVICES)

Services	Fee
Inclearing:	
Items per month	
First 25,000 (per item).....	\$0.0360
25,001-58,500 (per item).....	.0335
58,501-91,500 (per item).....	.0310
91,501-125,000 (per item).....	.0285
125,001-158,500 (per item).....	.0260
158,501-191,500 (per item).....	.0235
Over 191,501 plus (per item).....	.0210
Backroom:	
Truncated	
Items per month	
0-25,000 (per item).....	.0370
25,001-58,500 (per item).....	.0355
58,501-91,500 (per item).....	.0340
91,501-125,000 (per item).....	.0325
125,001-158,500 (per item).....	.0310
158,501-191,500 (per item).....	.0295
191,501-plus (per item).....	.0280
Non-truncated	
Items per month	
0-25,000 (per item).....	.0470
25,001-58,500 (per item).....	.0455
58,501-91,500 (per item).....	.0440
91,501-125,000 (per item).....	.0425
125,001-158,500 (per item).....	.0410
158,501-191,500 (per item).....	.0395
191,501-plus (per item).....	.0380
Modified Backroom	
Reduce non-truncated or truncated prices by (per item).....	.01
Over-the-Counter Checks (per item).....	.15
Return Call (per item).....	.75
Late Return Call (per item).....	.66
Items Over \$2,500 Returned to FRB (per item).....	4.25
Check Copies (per copy).....	3.00
Telephone/FAX Check Copy (per copy).....	3.75
Check Retrieval (per item).....	1.50
Statement Envelopes—Actual Cost	
Small Standardized (per envelope).....	.05
Small Customized (per envelope).....	.07
Large (per envelope).....	.46
Mid-cycle statement rendering:	
Purged Statement (per item—minimum charge of \$2.50).....	.50
Non-purged Statement (per statement).....	2.50
Minimum Charge (per month).....	200.00

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1988 NOW SERVICES)

NOW account services	Fee
Daily delivery (Items per month):	
1st 50,000 (per item).....	\$.040
Over 50,000 (per item).....	.035

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1988 NOW SERVICES)—Continued

NOW account services	Fee
Bulk filing (Items per month):	
1st 50,000 (per item).....	.045
2nd 50,000 (per item).....	.040
3rd 50,000 (per item).....	.030
Over 150,000 (per item).....	.025
Statement matching (Items per month):	
1st 50,000 (per item).....	.070
2nd 50,000 (per item).....	.065
3rd 50,000 (per item).....	.055
Over 150,000 (per item).....	.050
Special statements (IRA, savings, etc.) (per statement).....	.020
Multiple Statement Inserts (per statement).....	(¹) .010
No Mail Statements (per statement).....	.050
Truncation:	
1st 50,000 (per item).....	.030
2nd 50,000 (per item).....	.025
3rd 50,000 (per item).....	.020
Over 150,000 (per item).....	.015
Return items (per item).....	3.00
Large dollar return items (per item).....	4.00
Delayed return items (per item).....	4.00
Facsimile:	
Large dollar (per item).....	1.50
On request (per item).....	2.00
Bookkeeping and acc't no. (per item).....	2.50
Over-the-counter items (per item).....	.035
Photocopies (per item).....	2.50
Without entry items (per item).....	4.50
Finesort (Check No.)—special accounts (per item).....	.02
Prime rejects (\$0.25 per item over 2% reject rate).....	.25
Special Services:	
Custom coding (for mergers, branch acquisitions and sales, etc.) (per hour).....	100.00
Special research requests:	
Pull original truncation item from file (per item).....	3.00
Research request for 12 or more items (\$30 per hour per person plus per item).....	1.00
Special Handling (if required by 2 or more account number formats resulting from mergers, conversions branch acquisitions, etc; charging will begin three months after effective date if still required) (per month).....	500.00

¹ One insert free with a charge of one cent for each insert over one per statement.

NOTES.—The minimum monthly billing for service options is \$100.00.

Prices for all options include data transmission to on-line or in-house processors.

Actual item delivery expense will be charged to the institution as incurred, including postage under "Statement Matching" above.

DISTRICT 5.—FEDERAL HOME LOAN BANK OF CINCINNATI (1988 NOW SERVICES)

Items/Month	Service				
	Daily return unsorted	Daily return sorted	Truncation	Bulk filing w/out stuffing	Bulk filing with stuffing
0 to 50,000.....	\$0.0060	\$0.0350	\$0.0350	\$0.0375	\$0.0575
50,001 to 100,000.....	.0050	.0250	.0250	.0260	.0560
100,001 to 150,000.....	.0040	.0150	.0150	.0175	.0500
150,001 to 200,000.....	.0040	.0090	.0090	.0115	.0450
200,001 and over.....	.0040	.0075	.0075	.0100	.0440

Special services	Fee
Check retrieval or inspection of original item.....	\$1.50
Photocopy	1.00
Advertising insertion (per item).....	.02
Posted "on-us":	
a. With FHLB encoding (per item).....	.03
b. Without FHLB encoding (per item).....	.01
Statement stuffing for truncated statement (per statement).....	.01
Additional sorting upon request:	
a. Fine sorting (per item).....	.005
b. Cycle sorting (per item).....	.005
Large dollar return notification (per item).....	2.00
Return items processed by bank:	
First 1,000.....	2.00
All others	1.00
Qualifications requirements of EFAA.....	(¹)
Return item clearing fee.....	(²)
Return items processed by NOW user:	
Qualifications requirements of EFAA.....	.50
Return item clearing fee.....	(²)
Special processing requests.....	(³)
Multiple service discount on basic service, FHLBank check deposit or lockbox service user (the following percentage off basic service fees:)	5.00

¹ No charge.
² To be determined.
³ Cost basis.

DISTRICT 6.—FEDERAL HOME LOAN BANK OF INDIANAPOLIS (1988 NOW SERVICES)

Transaction Service			
Items per/month	Safekeeping	Turnaround (daily or cycled)	Complete
0 to 5,000	\$0.045	\$0.053	\$0.077
5,001 to 10,000.....	.037	.048	.075
10,001 to 15,000.....	.036	.044	.073
15,001 to 25,000.....	.031	.037	.072
25,001 to 50,000.....	.030	.033	.070
50,001 to 75,000.....	.026	.030	.066
75,001 to 100,000.....	.023	.027	.065
100,001 to 125,000.....	.021	.024	.064
125,001 to 150,000.....	.019	.022	.063
150,001 to 175,000.....	.017	.020	.062
175,001 and up.....	.014	.016	.059

Ancillary service	Fee
Settlement only (per month) (plus \$2.00/journal entry).....	\$100.00
Minimum processing fee for total NOW services (per month).....	40.00
Over-the-counter items and microfilm (per item).....	.035
No MICR/OTC—Indiana.....	.50
No MICR/OTC—Michigan.....	.75
Photocopies and facsimiles.....	2.00
Encoding errors.....	2.75
Certified checks.....	1.00
Late returns.....	.25
Invalid returns.....	.50
Large dollar signature verification.....	.50
Return items—Indiana.....	1.75
Invalid accounts.....	.50
Return items—Michigan.....	2.25

DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO (1988 NOW Services)

Item processing				
Items per month	Daily returns	24-hour delay	Bulk file	Truncation
0 to 50,000.....	\$0.026	\$0.025	\$0.024	\$0.021
56,001 to 100,000.....	.025	.024	.023	.020
100,001 to 200,000.....	.024	.023	.022	.019
200,001 to 300,000.....	.023	.022	.021	.018
300,001 to 400,000.....	.022	.021	.020	.017
400,001 to 500,000.....	.021	.020	.019	.016
500,001 to 750,000.....	.020	.019	.018	.015
750,001 to 1,000,000.....	.019	.018	.017	.014

DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO (1988 NOW Services)—Continued

Item processing				
Items per month	Daily returns	24-hour delay	Bulk file	Truncation
1,000,001, to 1,250,000.....	.018	.017	.016	.013
1,250,001 to 1,500,000.....	.017	.016	.015	.012
1,500,001 and over.....	.016	.015	.014	.011

Ancillary service		Fee
Counter items (per item).....		\$0.01
Return items:		
0 to 100 items.....		4.00
101 to 500 items.....		3.50
501 to 1,000 items.....		3.00
1,001 to 2,500 items.....		2.50
2,501 or more items.....		2.00
Statement preparation (per item).....		.025
Photocopies (per item).....		3.00
Facsimile of items (per page).....		2.00
Cash letter facsimile (per page).....		2.00
Special sorts (per item).....		.0075
Monthly recap Cper item).....		.0025
Data transmission (per item):		
0 to 10,000 items (\$10 month minimum).....		.004
10,001 to 50,000 items (\$50 month minimum).....		.004
50,001 to 100,000 items (no minimum).....		.003
100,001 or more items (no minimum).....		.002
NOW settlement only (per month).....		200.00
NOW Minimum Monthly Charge (per month).....		200.00

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1988 NOW SERVICES)

Item processing				
Item processing monthly volume level	Basic fee (truncated)	Daily cycle ^{1,2}	Cycle monthly ²	Return items
				Monthly volume level Fee
1 to 25,000.....	\$0.021	\$0.017	\$0.20	1 to 2,000..... \$2.50
25,001 to 50,000.....	.017	.013	.016	2,001 to 3,000..... 2.00
50,001 to 75,000.....	.015	.011	.014	3,001 to 4,000..... 1.50
75,001 to 175,000.....	.013	.009	.012	4,001 to 7,500..... 1.00
175,001 to 400,000.....	.012	.008	.011	7,501 to 10,000..... .75
400,001 to 750,000.....	.010	.007	.010	10,001 and over..... .50
750,001 to 1,100,000.....	.009	.006	.009	
1,100,001 to 1,500,000.....	.008	.005	.008	
1,500,001 to 4,000,000.....	.006	.004	.007	
4,000,001 to 6,500,000 ⁽³⁾0058	.004	.007	
6,500,001 to 9,000,000 ⁽³⁾0054	.003	.006	
9,000,001 and over ⁽³⁾0052	.003	.006	

¹ 15 percent surcharge for same day daily return.² Fees for daily and cycle/monthly return are in addition to the basic fee.³ Volume levels above 4 million are priced on a decremental basis.

OTHER ITEM PROCESSING SERVICES FEES

Posting file (per item).....	\$0.0005
Reject re-entry (per reject).....	.04
Stop payments (per stop).....	5.00
Large dollar notification (per notification).....	3.00
Photocopies/Microfilm copies (per copy).....	2.75
Counter items with microfilm (per item).....	.04
Counter items without micr encoding(per item).....	.10
Original item return (per item).....	2.75
Certified checks (per item).....	.50
Signature verification (per page).....	1.00
Facsimile transmission (per transmission).....	1.50
Telephone advice on missing account No. (per item).....	.50
Telephone check inquiry (per inquiry).....	1.00
Daily settlement reporting (per month).....	25.00
Microfiche—Monthly reports (per month).....	25.00
Microfilm (per item).....	.01
Research/audit (per hour).....	20.00

Minimum charge of \$250 per month will apply for total NOW services.

DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS (1988 NOW SERVICES)

Service		
Basic service-items/month	Daily	Truncated
Tier 1: 0 to 50,000.....	\$0.0325	\$0.0275
Tier 2: 50,001 to 100,000.....	.0300	.0250
Tier 3: 100,001 to 150,000.....	.0250	.0200
Tier 4: 150,001 to 200,000.....	.0200	.0150
Tier 5: 200,001 to 500,000.....	.0150	.0100
Tier 6: 500,001 to 1,000,000.....	.0100	.0075
Tier 7: 1,000,000 and over.....	.0080	.0050

RETURN ITEMS

Items/month	
Tier 1: 1 to 500.....	\$3.00
Tier 2: 501 to 1,000.....	2.00
Tier 3: 1,000 and over.....	1.50

Note.—Does not include Federal Reserve Bank surcharges which are passed through to our customers.

Other services	Fee
Commercial item (each).....	\$0.0200
Counter items (Integration).....	.0325
Counter items (capture/microfilm only).....	.0100
Photocopies.....	.50
Original check retrieval (per check).....	1.50
Large dollar notification.....	4.25
Statement preparation:	
Statements (each).....	.065
Items (each MICR document).....	.008
Inserts.....	.01
Statement separators.....	.01

DISTRICT 10.—FEDERAL HOME LOAN BANK OF TOPEKA (1988 NOW SERVICES)

Service	
Return items per month	Fee per item
NOW processing fees:	
1 to 50.....	\$2.50
51 to 2,500.....	1.00
2,501 to 4,000.....	.75
4,001 to 6,000.....	.50
6,001 to 8,000.....	.25
8,001 to 12,000.....	.20
12,001 and over.....	.15

Items per month	Truncated	Cycled
1 to 10,000 (per item).....	\$0.020	\$0.035
10,001 to 25,000 (per item).....	.018	.034
25,001 to 50,000 (per item).....	.015	.031
50,001 to 100,000 (per item).....	.013	.026
100,001 to 250,000 (per item).....	.011	.020
250,001 to 500,000 (per item).....	.010	.015
501,001 to 750,000 (per item).....	.009	.013
750,001 to 1,000,000 (per item).....	.008	.011
1,000,001 and over (per item).....	.007	.010

Other services	Fee
Minimum Monthly Processing Fee.....	\$500.00
Settlement—(w/FHLB processing).....	(¹)
Settlement Only (per month).....	100.00
Item retrieval (Photocopy.—per item).....	2.00
Mass photocopy requests:	
Per hour.....	12.00

Other services	Fee
Per item.....	.015
Over-The-Counter Items (Microfilmed and Filed-per item) .....	.03
Large Item Return Notification (per item over \$2500).....	3.00

¹ No charge.

DISTRICT 11.—FEDERAL HOME LOAN BANK OF SAN FRANCISCO (1988 NOW Services)

NOW service	Volume price based on total items per month						
	0 to 250,000	250,001 to 750,000	750,001 to 1,000,000	1,000,001 to 1,500,000	1,500,001 to 2,000,000	2,000,001 to 2,500,000	Over 2.5 million
Basic capture service (Min. charge \$500/mo.):							
Capture/finesort/microfilm	\$0.042	\$0.037	\$0.032	\$0.026	\$0.024	\$0.022	\$0.021
Return item processing.....	2.00	1.75	1.50	1.25	1.25	1.25	1.25
Comprehensive NOW Service (Min. charge \$750/mo.):							
Capture/file/microfilm/finesort .....	.42	.037	.032	.026	.024	.022	.021
Statement preparation (truncated) .....	.15	.14	.13	.13	.13	.13	.13
Statement preparation (standard) .....	.35	.30	.28	.28	.28	.28	.28
Return item processing.....	2.00	1.75	1.50	1.25	1.25	1.25	1.25
Over-the-counter items .....	.045	.045	.045	.045	.045	.045	.045
Statement inserts .....	.03	.03	.0275	.025	.025	.025	.025

Miscellaneous services	Fee
Late return item transmission—after 2:00 p.m. (per item)	\$0.25
Second request on previously reconciled adjustment (per occurrence)	10.00
Truncated item retrieval (per item)	3.00
Generic envelopes (each) .....	.025
Reconciliation of member books—special research (per hour)	25.00
Microfilm—second copy of film daily (per month)	75.00
Special request copy (per copy)	5.00
Same day microfiche:	
2 copies with hardcopy processed item listing and exceeded dollar report (per month)	75.00
Hardcopy exceeded dollar report only (per month)	65.00
Additional microfiche (per copy)	1.00
Special fine sort (per item) .....	.04
Photocopies (per copy)	2.50
Non-standard statement inserts (per insert) .....	.05
MICR line alterations (per item)	4.00
DDA account maintenance fee:	
Regular DDA account (per month)	10.00
Zero balance account (per month)	25.00
Supplementary service fees: Thirty day advance notice is required on all branch sales, branch mergers, branch acquisitions or service bureau changes.	
Custom Programming:	
1. Breakout of items by routing transit number and/or branch number (incl. listing)	2,000.00
2. Breakout and capture of items (Processed items list/microfilm/commingled with other items for service bureau)	3,000.00
3. Breakout, capture, and separate tape produced, including above items.....	4,500.00
4. Selective account programming (maximum 50 accounts) in addition to regular programming requirements.....	1,500.00
5. One-half of the original programming fee will be assessed in the event of a cancellation notice given less than 7 days in advance of effective date.	
Statement handling:	
Set-up fee/branch outsort of items.....	250.00
Standard statement rendition (close-out statements) (each) .....	.50
Non-standard statement rendition:	
First 90 days (each) .....	.75
After 90 days (each)	1.00

Note:—Other services and prices available upon request.

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1988 NOW SERVICES)

Service item	Fee
Base per item fees:	
Truncation service (per item)	\$0.025
Non-Truncation service (per item) .....	.030
Combined service	(¹)
Cumulative Volume Credits:	
25,001 to 50,000 items per month (per item) .....	.0025
50,001 to 75,000 items per month (per item) .....	.0025
75,001 to 100,000 items per month (per item) .....	.0025
100,001 to 200,000 items per month (per item) .....	.0025
200,001 to 400,000 items per month (per item) .....	.0050
400,001 to 600,000 items per month (per item) .....	.0050
600,001 or more items per month (per item) .....	.0025
Large dollar signature verifications (each) .....	.75

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1988 NOW SERVICES)—Continued

Service item	Fee
Return item handling:	
NSFs, account closed, etc. (each) .....	.80
Regulation J, large dollar returns	(²)
Photocopy requests (NOW User) (each)	1.00
Research requests (NOW User) (each)	1.00
Photocopy requests (Non-User) (each)	5.00
Research requests (Non-User) (each)	5.00
Special fine sorts (per item) .....	.01
Statement services:	
Burst or fold only for statements (per statement) .....	.005
(Minimum of \$30.00 per month)	
With checks inserted (per item) .....	.02
Without checks (per statement) .....	.06
Advertising inserts	(²)
Miscellaneous and out-of-pocket expenses: Courier, Postage, etc.	(²)

¹ Per above charge for each service.² No charge.³ As required.

Note.—Additional discount may be arranged for contractual commitments. Prices may vary in some circumstances. For additional information, contact the Correspondent Services Marketing Department.

Schedule B: Demand Deposit and Other Services (1988 DDA Services)

DISTRICT 1.—FEDERAL HOME LOAN BANK OF BOSTON

Services	Fee
Account maintenance (per account, per month)	\$7.50
Checks and items paid (per item) .....	.15
Mail deposits (per item) .....	.20
Federal Reserve settlement (per item) ¹ .....	.60
Internal transfers and zero balance transfers	(²)
Other transfers (per transfer) .....	.10
Domestic wire transfers:	
In (per wire)	4.50
Out (per wire)	7.00
Telephone advices	(²)
International wire transfers	(²)
Special statements (per statement)	2.50
Stop payment orders (per item)	9.50
Automated reconciliation:	
Paper issues input (per issue) .....	.065
Magnetic tape issues input (per issue) .....	.035
Automated reconciliation service charge (per account, per cutoff)	5.00
Paid only reconciliation, daily advices, monthly Reports, audit confirmations, voided items input, Zero-balance transfer and fine sort of items	(²)
Look-up and Photocopies of Checks (per item)	2.50
Truncation (per item) .....	.01
Depository transfer checks (DTC's) (per item) .....	.20

¹ Federal Reserve Settlements include ACH, Series E-Bond Redemption, Cash Letter Settlements (Inclearings and Outclearings), Regulation D Reserve Pass-Throughs, Treasury Tax and Loan Settlements.

² No charge.³ Fee varies based on current international rates and cable remittance fees.

Notes.—

All prices are subject to change.

All collected IDEAL WAY deposits earn immediate interest paid in hard dollars monthly via credit to the member's account at month end. Interest rates are set daily.

Fees for services are paid in hard dollars monthly via a debt to the member's account.

No compensations balance requirements.

No reserve requirements.

DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK (1988 DDA SERVICES)

DEPOSIT SERVICES

	Unencoded	Encoded
Items deposited:		
First 100,000 items/month	\$0.070	\$0.050
100,001 to 300,000 items/month .....	.065	.045
300,001 plus items/month .....	.060	.040

DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK (1988 DDA SERVICES)—Continued

DEPOSIT SERVICES

	Unencoded	Encoded
Early delivery discount (weekdays):		
5:30 p.m. deadline .....	.015	.010
7:00 p.m. deadline .....	.005	.005

Service	Fee
Saturday premium (per item)	\$0.01
Cash letter deposit (per deposit) .....	.50
Return item (per item)	1.25
Return item (unendorsed) (per item)	8.75
Domestic collections (per item)	15.00
Foreign collection (per item)	8.00
Bond collection (minimum)	40.00
Return coupons (per return)	6.50
Unendorsed return coupons (per return)	15.00
Security coupon collection (per envelope)	3.50
Photocopies (per copy)	5.00
Savings bond redemption (per transmittal)	3.00
Reject repairs (encoded only per item) .....	.10

LOCKBOX SERVICE

Remittance processing:	
First 50,000 items/month (per item) .....	.150
50,001 plus items/month (per item) .....	.100
Check deposit (per check) .....	.050
Return item (per check)	1.250
Exception item (per item) .....	.120
Photocopies (per copy)	5.000
Set-up fees:	
Coupon formats (per format)	250.00
Data center programming (per data center)	250.00
Daily reports microfiche (per item) .....	.001
Daily reports microfiche—additional copies per month (per set)	15.00

Note.—A minimum monthly service charge of \$300 applies to the remittance processing.

Service	Fee
COIN AND CURRENCY SERVICE	
Shipments	(¹)
Cash order ² (per order)	\$10.00
Cash return (per return)	10.00
Rolled coin (per roll) .....	.065
Deposits:	
Currency verification (per \$1,000)	1.00
Coin verification (loose coin) (per bag)	1.00
Coin verification (rolled coin) (per bag)	10.00

¹ Price varies by location.

² Cash orders must be placed and funded one day prior to delivery.

Service	Fee
DISBURSEMENT SERVICES	
Checks and money orders:	
First 10,000 items/month (per item)	\$0.24
10,001 to 25,000 (per item) .....	.17
25,001 plus items/month (per item) .....	.13
Zero reconciliation premium:	
Issuance reported via magnetic tape (per item) .....	.03
Issuance reported via paper (per item) .....	.05
FUNDS TRANSFER	
Wires in (per wire)	2.00
Wires out (per wire)	8.00
SAFEKEEPING SERVICES	
Maintenance:	
Less than 25 securities (per month)	33.00
More than 25 securities (per month)	75.00
Per item charge:	
Physical securities (per month)	5.00
Book entries (per month)	2.50
Purchases and sales (per transaction)	30.00
Maturities (per transaction)	10.00

Service	Fee
Coupons (per transaction).....	4.00
MISCELLANEOUS CORRESPONDENT SERVICES	
Depository transfer checks (per check)	\$3.00
Savings bond redemption (per transmittal).....	3.00
Savings bond sales (per transmittal)	1.50
Federal recurring payments (per transaction)	3.00
Automated clearing house transactions (per transaction)	3.00
Treasury tax and loan accounts (per transaction).....	3.00
Electronic daily advice reporting (EDAR) consolidated balance reporting transaction detail	(¹)
Settlement only (per service) (per month)	250.00
Paper items (per item)	1.50

¹ Fees for special services will be negotiated based on the number of transactions. Fees are subject to change based on Federal Reserve announcements.

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1988 DDA SERVICES)

Service	Fee
Deposit processing service:	
Deposit ticket entry (per entry)	\$0.25
Deposit transfer voucher (per entry)	1.75
Mail deposit ticket entry (per entry)	2.25
Deposit item transit:	
Items per month:	
0 to 25,000 (per item) .....	.0325
25,001 to 58,500 (per item) .....	.0319
58,501 to 91,500 (per item) .....	.0314
91,501 to 125,000 (per item) .....	.0308
125,001 to 158,500 (per item) .....	.0303
158,501 to 191,500 (per item) .....	.0297
191,501 and over (per item) .....	.0292
Deposit item encoding:	
Items per month:	
0 to 25,000 (per item) .....	.0275
25,001 to 58,500 (per item) .....	.0270
58,501 to 91,500 (per item) .....	.0265
91,501 to 125,000 (per item) .....	.0260
125,001 to 158,500 (per item) .....	.0255
158,501 to 191,500 (per item) .....	.0250
191,501 and over (per item) .....	.0245
Deposit item return (per item)	1.50
Deposit item photocopy (per item)	3.00
Deposit pickup (per pickup)	6.25
Check and money order clearing service:	
Clearing item processing (per item) .....	.11
Clearing item reconciliation copy processing:	
By manual input (per item) .....	.06
By magnetic tape input (per item) .....	.03
Clearing item fine sorting for return with bank statements (per item) .....	.06
Stop payment orders (per entry)	9.75
Imprinting checks and money orders	(¹)
Standard earnings checks (per item) .....	.05
Electronic wire transfer of funds:	
Outgoing Wires:	
Receiving Bank On-line (Federal Reserve) (per transfer)	6.00
Receiving Bank Off-line (Federal Reserve) (per transfer)	9.25
Incoming Wires (per transfer)	3.50
ACH Debit/Credit (per item) .....	.05
Lockbox service:	
Lockbox Item Processing (per item) .....	.11
Deposit Item Processing (per item)	(³)
Deposit Ticket Entry (per entry) .....	.25
Transportation (per month) (per institution)	20.00
Account Maintenance (per acct./month)	8.00
Account overdraft penalty	(³)
Collection service:	
Foreign items:	
West (per item, plus drawee bank charges)	10.00
East (per item, plus drawee bank charges)	5.00
Bonds (East Only) (per bond)	10.25
Bond Coupons:	
West (per envelope)	3.25
East (per envelope)	3.25
EASTERN COIN AND CURRENCY SERVICE	
Requisition:	
Currency (per strap) .....	.25
Coin:	
Per bag .....	.95
Per box	2.50

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1988 DDA SERVICES)—Continued

Service	Fee
Deposit:	
Currency/Food Coupons (per \$1,000 or part thereof) .....	.70
Coin (per bag)	1.75
Transportation:	
Zone 1 (per stop)	18.50
Zone 2 (per stop)	25.50
WESTERN COIN AND CURRENCY SERVICE	
Requisition:	
Currency (per \$1,000 or part thereof) .....	.25
Coin (per box)	1.50
Deposit:	
Currency (per \$1,000 or part thereof) .....	.70
Coin:	
Unsorted (per \$1,000 or part thereof)	7.50
Sorted (per \$1,000 or part thereof)	1.25
Food Coupons:	
Unsorted (per \$1,000 or part thereof)	3.00
Sorted (per \$1,000 or part thereof)	1.75
Transportation:	
Western Pennsylvania (per stop)	11.85
West Virginia:	
Zone 1 (per stop)	29.50
Zone 2 (per stop)	35.20
SAFEKEEPING AND INVESTMENT SERVICE	
Trade executed (per transaction)	10.00
Receipt of security:	
Physical form (per transaction)	14.00
DTC (per transaction)	9.00
Book entry (per transaction)	8.00
Delivery of security:	
Physical form (per transaction)	14.00
DTC (per transaction)	9.00
Book entry (per transaction)	8.00
Redemption at maturity:	
Physical form (per transaction)	14.00
DTC (per transaction)	9.00
Book entry (per transaction)	8.00
Income collection:	
Physical form (per collection, per issue)	4.00
DTC (per collection, per issue)	4.00
Book entry (per collection, per issue)	2.00
Safekeeping account maintenance (per month)	10.00
Switch account/pledge:	
Physical form (per transaction)	12.00
Book entry (per transaction)	6.00
Retail-repo custodial service (per month)	30.00
SAFEKEEPING CHARGE FOR ADVANCE COLLATERAL	
Assignment	(*)
Physical delivery	(*)

¹ Direct cost pass-through from supplier.

² Refer to DPS—Deposit Item Transit fees.

³ Greater of \$75 or the interest on the amount of the overdraft calculated at a daily interest rate that is equal to the highest advance rate plus 3 percent.

⁴ Greater of \$2.00 per million or \$10.00 per month.

⁵ Greater of \$4.00 per million or \$10.00 per month.

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1988 DDA SERVICES)

Demand deposit service	Fee
Checks paid ¹ (per item):	
Monthly statement:	
Items finesorted into check number orders (per item)	\$0.12
Items truncated (per item) .....	.08
Photocopies (demand items/statements/advices) (per item)	2.50
Stop payment (per item)	8.00
Range stop payments (per item returned)	8.00
Without entry items (per item)	4.50

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1988 DDA SERVICES)—Continued

Demand deposit service	Fee
Deposit transfer checks (DTC) (per item).....	4.00
Wire transfers:	
In (per item).....	\$ 3.00
Out (per item).....	\$ 4.00
Phone advice (per wire).....	2.50
Interbank transfer (per transfer).....	2.50
Account reconciliation service:	
Full reconciliation-magnetic tape (\$25.00 min./mo) (per issue).....	.0325
Full reconciliation-paper issue (\$25.00 min./mo.):	
Encoded amounts (per issue).....	.0475
Unencoded amounts (per issue).....	.07
Partial reconciliation (\$15.00 min./mo.) (per paid item).....	.03
Range reconciliation (\$15.00 min./mo.) (per paid item).....	.03
DDA paid tape (\$15.00/tape plus).....	.03
Deposit processing service:	
Unencoded checks (per item).....	\$.06
Encoded checks (per item).....	\$.04
Foreign checks (per item).....	5.00
Bond coupons (per envelope).....	3.50
Deposited checks returned (per entry).....	1.00
Automated clearinghouse (ACH) Service:	
Originating—\$15.00 per tape plus (per item).....	.07
Receiving—\$100.00 settlement per month plus (per item).....	.05
Settlement only services:	
Automated clearinghouse (ACH) (per month).....	100.00
Currency and coin (per month).....	100.00
Deposit of items at Fed (per month).....	100.00
NOW (per month).....	100.00
Multiple settlement services discount:	
2 services (10%).....	180.00
3 services (15%).....	255.00
4 services (20%).....	320.00
Other settlement services:	
Treasury tax and loan (TT&L) (per entry).....	3.50
Savings bonds (per entry).....	3.50
Noncash collections (per entry).....	3.50
Currency and coin service (per order).....	3.50
Audit confirmations (per request).....	10.00

¹ The Checks paid charge includes at no additional charge: monthly account maintenance, internal transfers, and special statement drops.

² Federal Reserve charges are reflected in these prices. Any changes in Federal Reserve prices may result in adjustments to these prices.

Notes.—

Overdrafts incur a penalty calculated at 4 percent over the current short-term variable advance rate, with a minimum charge of \$50.00 per occurrence.

Check printing costs are charged directly to the institution.

Special research requests of 12 or more items will be charged at \$30 per manhour plus \$1 per item.

Magnetic tapes sent to members and not returned to the Bank within 90 days will be billed at \$12.00 per tape.

DISTRICT 5.—FEDERAL HOME LOAN BANK OF CINCINNATI (1988 DDA SERVICES)

Demand deposit account services	Per item charge
Paid items.....	\$0.085
Magnetic tape reconciliation.....	.045
Advice reconciliation.....	.500
Fine sorting.....	.01
Check and money order truncation.....	(¹)
Stop payments.....	6.00
Wire transfer-in.....	2.00
Wire transfer-in—Telephone confirmation.....	3.00
Wire transfer-out.....	5.00
Charges.....	.15
Credits.....	.15
Photocopies.....	1.00
Large dollar return notification.....	2.00
Settlement agent with Federal Reserve:	
ACH (per active month).....	100.00
Treasury tax and loan (per active month).....	100.00
Bond activity (per active month).....	100.00
Currency and coin (per active month).....	100.00
Check deposits (per active month).....	200.00

¹ No charge.

Note.—IFTS Interest—Members' daily collected funds in excess of their compensating balance automatically earn IFTS interest.

ALTERNATIVE DISBURSEMENT SERVICE

Settlement day option	Per item charge
MONEY ORDERS/DIVIDEND CHECKS	
1-Day.....	\$0.03
2-Day.....	0.07
Tuesday weekly.....	0.13

OFFICIAL CHECKS

Per item charge	Settlement day option	Earnings incentive ²	
		Under 10,000 checks/month	10,000 plus checks/month
1-day guaranteed.....	\$0.01	1.5 days.....	2.5 days.....
1-day variable.....	0.01	75 percent of float balance.....	95 percent of float balance.....
2-day guaranteed.....	0.03	0.25 day.....	0.50 day.....
2-day variable.....	0.03	50 percent of float balance.....	60 percent of float balance.....

² The earnings incentive is a monthly interest payment credited directly to the member's demand account. The interest rate is 10 basis points above the average 91-day Treasury bill rate.

SPECIAL TRANSFER ACCOUNT

Settlement day option	Per item charge	Earnings incentive
If checks are needed to transfer member's balances to other demand accounts or to satisfy internal bookkeeping requirements, the following alternative disbursement option is provided:		
2-day.....	\$0.10	0

Note.—Members can pay the above DDA services fees explicitly or implicitly through a compensating balance.

CHECK DEPOSIT SERVICE

Cincinnati Operations Center	Fee	
	Unencoded	Encoded
Cincinnati City.....	\$0.0275	\$0.015
Cincinnati RCPC (Special).....	.0275	.015
U. S. Treasury.....	.0275	.015
Cincinnati RCPC.....	.0475	.035
Columbus City/RCPC.....	.0475	.035
Louisville City/RCPC.....	.0475	.035
Other FRB (1-day).....	.0825	.070
Other FRB (2-day).....	.0925	.080

Discount	Monthly volume range
Volume discounts on all items when total deposited items fall within below listed categories:	
7.5 percent.....	100,001 to 200,000
15.0 percent.....	200,001 + 0

	Per item charge
Additional services:	
Photocopy (per item).....	\$1.00
Dishonored items:	
Returned to Association (per item).....	2.00
Automatically Redeposited.....	(³)
Non-cash collection service—Minimum:	
Non-cash item (per item).....	5.00
Security coupon collection (per envelope).....	5.00
Coupon return item (per item).....	10.00
Foreign item (per item).....	5.00
Food stamp cash letter (per cash letter).....	1.00
Municipal bonds (per item).....	5.00
U.S. Treasury and Gov't Agency coupons.....	(⁴)
Depository transfer checks (DTC) (per item).....	5.00
Cash letter fee (per letter).....	(⁵).50

³ Check deposit per item fee.

⁴ No charge.⁵ \$0.25 per "Cash Letter" when depositing over 100,000 items per month.

CHECK DEPOSIT SERVICE

Cleveland Operations Center	Fee	
	Unencoded	Encoded
Cleveland City/RCPC (Special)	\$0.0275	\$0.015
U.S. Treasury .....	.0275	.015
Cleveland City .....	.0425	.030
Cleveland RCPC .....	.0475	.035
Columbus City/RCPC .....	.0475	.035
Other FRB .....	.0825	.070

Discount	Monthly volume range
Volume discounts on all items when total deposited items fall within below listed categories:	
7.5%	100,001-200,000.
15.0%	200,001+.

	Per item charge
Additional services:	
Photocopy (per item)	\$1.00
Dishonored items:	
Returned to association (per item)	2.00
Automatically redeposited	(*)
Noncash collection service—Minimum:	
Noncash item (per item)	5.00
Security coupon collection (per envelope)	5.00
Coupon return item (per item)	10.00
Foreign item (per item)	5.00
Food stamp cash letter (per cash letter)	1.00
Municipal bonds (per item)	5.00
U.S. Treasury and Gov't Agency coupons	(*)
Depository transfer checks (DTC) (per item)	5.00
Cash Letter Fee (per letter)	(*) 5.00

⁶ Check deposit per item fee.⁷ No charge.⁸ \$0.25 per "Cash Letter" when depositing over 100,000 items per month.

CHECK DEPOSIT SERVICE

Nashville Operations Center	Fee	
	Unencoded	Encoded
Nashville City	0.0375	\$0.025
Nashville RCPC .....	.0475	.035
U.S. Treasury .....	.0275	.015
Nashville NOW On-Us .....	.0275	.015
DDA On-Us .....	.0275	.015
Louisville RCPC ⁹ .....	.0675	.055
Other FRB .....	.0775	.065

⁹ Louisville RCPC items deposited within a mixed cash letter by 7:00 p.m. Monday-Thursday.

Discounts	Monthly volume range
Volume discounts on all items when total deposited items fall within below listed categories:	
7.5 percent	100,001 to 200,000.
15.0 percent	200,001+.

	Per item charge
Additional services:	
Photocopy (per item)	\$1.00
Dishonored items:	
Returned to Association (per item)	2.00
Automatically Redeposited	(10)
Noncash collection service—Minimum:	
Noncash item (per item)	5.00

	Per item charge
Security coupon collection (per envelope).....	5.00
Coupon return item (per item).....	10.00
Foreign item (per item).....	5.00
Food stamp cash letter (per cash letter).....	1.00
Municipal bonds (per item).....	5.00
U.S. Treasury and Gov't Agency Coupons.....	(11)
Depository transfer checks (DTC) (per item).....	5.00
Cash letter fee (per letter).....	12 .50

¹⁰ Check deposit per item fee.

¹¹ No charge.

¹² \$.25 per "Cash Letter" when depositing over 100,000 items per month.

Currency and coin service	Fee
MEMBERS IN KENTUCKY AND OHIO	
Preparation charge:	
Currency for Members in Northern Ohio (per order).....	\$9.50
Currency for Member in Kentucky and Southern Ohio (per order).....	8.75
Wrapped coin (per box).....	2.00
Deposits of coin and currency:	
Strapped currency (per strapped deposit).....	5.00
Currency (per mixed or unfilled straps).....	6.00
Coin-loose (same denomination) (per bag).....	2.00
Coin-loose (mixed denomination) (per bag).....	4.00
Coin-wrapped (same denomination) (per bag).....	4.00
Coin-wrapped (mixed denomination) (per bag).....	8.00
MEMBERS IN NASHVILLE AND MEMPHIS FEDERAL RESERVE TERRITORIES	
Preparation charge:	
Currency and/or loose coin (per order).....	3.00
Wrapped coin for members in the Nashville FRT (per roll).....	.0375
Pick-up of Currency and Coin (per occurrence).....	1.00

Note.—For transportation charge, please contact the Bank for specific fee relative to the member's area. ATM fit money for Northern Ohio is available at a slightly higher fee.

Safekeeping service	Fee
Receive or deliver (per transaction):	
Book entry.....	\$15.00
Physical.....	35.00
Redemption (per transaction):	
Book entry.....	15.00
Physical.....	30.00
Interest coupons (per transaction).....	4.00
Pledges (per transaction):	
Book Entry.....	15.00
Physical.....	25.00
Account Maintenance (per month).....	20.00
Safekeeping account maintenance (per month).....	25.00
Retail repurchase account maintenance (per month).....	15.00
Contemporaneous reserve settlement (per month).....	50.00
LOCKBOX SERVICES	
OCR standard item fee.....	\$0.15
Includes:	
Courier pickup at lockbox	
Microfilming of check and document	
Transmission to service bureau	
Management reports	
Check deposit fee (encoding & clearing)	
Certain exception handling	
ADDITIONAL SERVICES	
Lockbox rental.....	(13)
Photocopies (per copy).....	1.00
Hot file update (add or delete) (per update).....	.50
Hot file update (magnetic tape) (per tape).....	10.00
Courier/postage.....	(13)
Dishonored check item:	
a. Returned to association (per item).....	2.00
b. Automatically redeposited (per item).....	(14)
Reject or unmatched item.....	(15)
Other desired services.....	(16)

¹³ Actual outgoing.

¹⁴ The per item check processing fee for the member's region.

¹⁵ No fee.

¹⁶ Cost basis.

DISTRICT 6.—FEDERAL HOME LOAN BANK OF INDIANAPOLIS (1988 DDA SERVICES)

Cash management service	Paid check charge	Advices	
		Paper	Tape
Monthly Transaction Volume:			
First 3,750.....	\$0.13	\$0.05	\$0.025
Next 9,000.....	.11	.04	.02
Next 12,250.....	.09	.04	.02
Next 25,000.....	.08	.03	.015
All over 50,000.....	.07	.02	.01
Stop Payments (per stop), \$6.00.....	Photocopies (per copy), \$2.00		
Maintenance Fee (per month), 25.00.....	Fine Sort Numeric Sequence (per item), 016		

Collected Balances will earn at an interest rate that approximates the 91 day Treasury Bill rate.

Other services	Michigan	Indiana
Transit Item Deposit Service		
Pre-encoded—		
Government PMO's, NOW Intercept.....	\$0.014	
City Items.....	.022	\$0.022
RCPC Items.....	.022	.022
Other District Items.....	.053	.055
Unencoded—		
City Items.....	.093	.083
RCPC Items.....	.093	.083
O.D. Items.....	.093	.083
Transit Encoding Adjustment.....	1.00	.03
Return Items.....	1.00	1.25
Coupons (per envelope).....	3.20	5.25
Courier Service Fees:		
(Per location, per day, per pick-up).....	(¹)	(²)
Indiana-Marion County.....		5.00
Collections.....	5.00	5.00
Food Stamp Adjustment Fee.....	2.50	
Foreign Items.....	30	
Foreign Item Adjustment Fee.....	.75	
Lockbox Services:		
Per Deposit Item Received.....	.263	.263
Truncation Deposit Items.....	.0283	.0283
Coin and Currency Program:		
Metropolitan areas of Indianapolis and Detroit—Per delivery by armored truck service.....	25.00	28.00
Outside Metropolitan areas—		
Fees vary depending upon the distances involved Rolled Coin (per roll).....	.035	.035
	Fee	
Wire Transfer Services:		
In (per transfer) Domestic.....	2.00	
Out (per transfer) Domestic.....	4.00	
International Wires.....	17.00	
Depository Transfer Checks: (per check).....	2.00	
Automated Clearinghouse (ACH) Service:		
Per Tape.....	7.00	
Per Item (Originator).....	.02	
Settlement Only.....	50.00	
Listing (paper).....	7.00	
MACHA.....	(³)	
Treasury Tax and Loan Settlement Service:		
Per Transaction.....	2.00	
Charge Card Transaction		
Per Transaction.....	1.50	

¹ Michigan courier fees vary with location and time of pick-up.

² Indiana courier fees, outside of Marion County, vary depending upon distance.

³ The higher of \$2.00 or actual costs.

DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO (1988 DDA SERVICES)

Services	Fee	
	Non-truncated accounts	Truncated accounts
Monthly volume		
A. Demand Accounts:		
Items Processed:		
0 to 7,500.....	\$0.110	\$0.090
7,501 to 10,000.....	.100	.080
10,001 to 12,500.....	.090	.070
12,501 to 15,000.....	.080	.060
15,001 to 25,000.....	.075	.055
25,001 and over.....	.070	.050
Alternative Demand Disbursement Service:		
800 Series—Next Day Remittance.....	(¹)	
900 Series—Three Day Remittance (per item issued).....	\$0.050	
Ancillary Services Fees:		
Special Sorts (per item).....		.0075
Recons:		
Non-Encoded Items (per item).....		.055
Encoded Items (per item).....		.020
Magnetic Tape Items (per item).....		.020
Stop Payments (per stop placed).....		7.00
Photocopies (per item).....		3.00
Account Maintenance (per account per month).....		10.00
Additional Statements (per statement).....		5.00
Request for Money Order Forms.....	(²)	
Postage/Courier.....	(²)	
ACH Services.....	(²)	
Dial-A-Statement:		
Per month of.....		25.00
Per year of.....		250.00
Per statement.....		1.00
B. Deposit Processing:		
Checks Deposit Drawn on:		
Federal Home Loan Bank of Chicago.....		
FHLB Intercept Customers.....		
Postal Money Orders.....		.015
U.S. Treasury Check.....		.015
City of Chicago Financial Institutions:		
0-10,000.....		.030
10,001-25,000.....		.028
25,001 and over.....		.026
Non-Federal Reserve Chicago RCPC (clearinghouse items):		
0-10,000.....		.036
10,001-25,000.....		.034
25,001 and over.....		.032
Chicago RCPC Financial Institutions (Routing Numbers 0711, 0712, 0719, 2711, 2712, 2719):		
0-10,000.....		.048
10,001-25,000.....		.046
25,001 and over.....		.044
Transit Items—Other Federal Reserve District Financial Institutions:		
0-10,000.....		.075
10,001-25,000.....		.073
25,001 and over.....		.071
Selected High Dollar Endpoints.....		.035
Ancillary Service Fees:		
Check Encoding (per item).....		.035
Return Items:		
Re-Deposits.....	(³)	
Charge Backs (per item).....		1.00
Noncash Collection Items:		
Coupons (per envelope).....		2.50
Foreign Items.....	(⁴)	
Food Stamps Deposited (per item).....		.02
Coin and Currency Orders (per order/per branch).....		2.00
Visa/Mastercard Deposits (per envelope).....		2.00
Minneapolis Region		
	Encoded items	Non-encoded items
City and Local.....	\$0.0275	\$0.0500
Regional RCPC.....	.0450	.0675
Regional Premium.....	.0575	.0800
County.....	.0525	.0750
Transit.....	.0875	.1100

DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO (1988 DDA SERVICES)—Continued

Services	Fee		
	Non-truncated accounts		Truncated accounts
Monthly volume			
<i>St. Louis Region</i>			
	Encoded Items		Non-encoded Items
City and Local.....	0.0345		\$0.0570
Regional RCPC.....	.0375		.0600
Regional Premium.....	.0425		.0650
County.....	.0400		.0625
Transit.....	.0745		.0970
<i>C. Money Transfers:</i>			
<i>Wire Transfers:</i>			
In.....		\$3.00	
Repetitive Wires.....		4.00	
Out.....		5.00	
Telephone Advice.....		2.00	
Quick Deposit Drafts.....		4.00	
<i>D. Safekeeping:</i>			
<i>Receipt or Delivery:</i>			
Book Entry Item.....		30.00	
Physical Item.....		40.00	
Coupon Collection.....		5.00	
Collection at Maturity.....		(⁵)	
<i>Annual Maintenance (billed quarterly):</i>			
Par Amount Under \$5.....		150.00	
Par Amount \$5 million or Over (per million).....		(⁵)	
Monthly Reports.....		(⁵)	
Registration Fees.....		(⁵)	
Transfer to or from Pledge Status.....		60.00	
<i>Maintenance of Collateral for FHLB Advances:</i>			
<i>Place Note and Mortgage in Vault:</i>			
Deliver with listing only.....		1.00	
Deliver with listing and computer tape.....		.75	
Remove Note and Mortgage from Vault.....		.75	
Annual Maintenance Charge (per quarter).....		.30	

¹ No charge.² Actual cost.³ No charge.⁴ Actual cost.⁵ No charge.⁶ Actual cost.

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1988 DDA SERVICES)

DDA Service Activity	Fee
Account Maintenance.....	\$6.00
Account Reconciliation.....	6.00
Check Printing Costs.....	(¹)
<i>Drafts Paid:</i>	
Truncated.....	.045
Non-Truncated.....	.055
Controlled Disbursement.....	.080
Stop Payments.....	7.00
Ledger Credits.....	.30
Ledger Debits.....	.20
<i>Bankwires in:</i>	
Without Phone Advice.....	2.50
With Phone Advice.....	3.50
<i>Bankwires Out:</i>	
Without Phone Advice.....	4.00
With Phone Advice.....	6.00
Special Cut-off Statements.....	3.00
Account Reconciliation Tape Issues.....	.02
Issue Encoding.....	.045
Pre-encoded Issues.....	.030
<i>ACH Transactions:</i>	
Fed Charges.....	(¹)
Settlement Charges.....	.050

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1988 DDA SERVICES)—Continued

DDA Service Activity	Fee
Miscellaneous Charges/Special Processing.....	(¹)
Coupons Deposited (per envelope).....	3.00
Collections:	
Foreign Checks.....	3.00
Domestic Checks.....	3.00
Proof of deposit service	
Entry Fee for all items.....	.003
Re-enter Rejects.....	.04
Encoding Fee (Des Moines, Minneapolis & St. Louis).....	.0225
Encoding Fee (Kansas City).....	.025
Data Transmission (per transmission).....	1.50
Fine Sort "on-us" items.....	.005
Printed Reports—Standard (per report).....	1.00
plus (per page).....	.05
Optional.....	(²)
plus (per page).....	.05
Minimum monthly billing.....	40.00
Facsimile Transaction (per transmission).....	1.50
Account Transaction Info. (per call).....	1.00
Miscellaneous Charges/Special Processing.....	(³)
Food Stamps Deposited (Des Moines, Kansas City, and St. Louis).....	.02
Food Stamps Deposited (Minneapolis).....	.04

	Minneapolis	Des Moines	St. Louis	Kansas City
Deposited Item Charges:				
Local.....	\$0.020	\$0.025	\$0.027	\$0.019
Regional.....	.0375	.035	.030	
Regional Premium.....	.050	.04	.035	
Country.....	.045		.0325	.029
Out of State.....	.080	.0525	.067	.079
Regional Items FRB Select.....				.067

DEPOSIT PROCESSING FEE SCHEDULE

	Encoded	Unencoded
Check Clearing Fees:		
a. Des Moines Center		
Local.....	\$0.025	\$0.0475
Regional.....	.035	.0575
Regional—Premium.....	.040	.0625
Transit.....	.0525	.075
b. Minneapolis Center		
Local.....	.020	.0425
Regional.....	.0375	.060
Regional—Premium.....	.050	.0725
Country.....	.045	.0675
Transit.....	.080	.1025
c. St. Louis Center		
Local.....	.027	.0495
Regional.....	.030	.0525
Regional—Premium.....	.035	.0575
Country.....	.0325	.055
Transit.....	.067	.0895

	Fee
Other fees at the Des Moines, Minneapolis, and St. Louis Regional Processing Centers:	
Return Items.....	\$0.75
Food Coupons—Des Moines or St. Louis.....	.02
Food Coupons—Minneapolis.....	.04
Large Dollar Notification (Reg. J) (per item).....	3.00
Return Items—Special Handling:	
Subtotal by office.....	1.50
Individual Entries (per entry).....	.50
Telephone Notification Less Than \$2,500 (per item).....	.60
Balance/Availability Reporting (per month).....	30.00
Endpoint Analysis (per day).....	20.00
Non-Processable Items (Pre-Encoded) (per item).....	.15
Photocopies (per copy).....	2.75

	Fee
Research (per hour).....	20.00
Currency/Coin Orders—St. Louis.....	4.00
Currency/Coin Orders—Des Moines or Minneapolis.....	2.00
Foreign Currency Deposits (per deposit).....	5.00
Foreign Currency Orders (per order).....	2.50
Per Cash Deposit (Credit Tickets):.....	
Standard Packaging.....	.50
Non-Standard Packaging.....	10.00
Special Cash Orders/Deposits.....	(*)
Federal Reserve Bank Settlement Entries (per entry).....	.50
Package Sort:	
Local.....	0.018
Regional.....	.023
Country.....	.027
Transit.....	.063

DEPOSIT PROCESSING FEE SCHEDULE—KANSAS CITY CENTER

	Less than 20,000	20,001– 50,000	50,001– 100,000	100,001– 200,000	Greater than 200,001
Deposit Item Charges:					
Local Items—1010, 3010, 0000, Select 2865, 3012.....	\$0.019	\$0.019	\$0.017	\$0.017	\$0.017
Country Items 1011, 1012, 1019, 0865, 2865 Select 2815, 2810.....	.029	.029	.028	.028	.028
Regional Items—Other FRB Select.....	.067	.055	.055	.052	.047
Transit Items—Other FRB.....	.079	.075	.069	.067	.063
Special Package Sort of Transit Items Only (\$2.00 per package plus).....	.085	.085	.085	.079	.079
Encoding Charge.....	.025	.025	.0225	.0225	.020
Return Items.....	.075	.075	.075	.065	.065
Food Coupons.....	.0225	.0225	.0225	.0225	.0225

Statement Rendering Service

	Fee
Statement Per Month—Non-Truncated:	
First 5,000.....	\$0.18
Next 5,000.....	.165
Over 10,000.....	.15
Statement Per Month—Truncated.....	.05
Statement Inserts.....	.005
Surcharge for One Cycle Per Month (percentage).....	10
Fine sort counter items for statement insertion.....	.005
Sort counter items without MICR.....	.02

Note: Associations that have changed Data Processors and have more than one MICR account number corresponding to one statement account number are subject to additional fees.

Lockbox Service

1. Basic Service (*):	
Mortgage.....	.12–.20
Consumer.....	.09–.13
Retail-Commercial.....	.07–.15
Wholesale-Commercial.....	.15–.45
Credit Card.....	.07–.11
Data Capture and Transit.....	.015–.030
2. Item Preparation Charge; Data Entry.....	.05
3. Microfilm Remittances and/or Checks.....	.01
4. Credit/Posting Adjustment Advise.....	.25
5. Photocopies:	
Recurring.....	.05
On Request.....	.25
6. Telecopies:	
Recurring.....	.85
On Request.....	1.50
7. Microfilm Copies.....	2.75
8. Payment Discount.....	.25
9. Telephone Inquiry or Notification.....	1.00
10. Foreign Item Processing:	
U.S. Dollars.....	.75
Foreign Currency.....	3.50
11. Process Cash Payment.....	1.00
12. Wire Transfer of Funds.....	6.50
13. Daily Float Summary (monthly charge).....	50.00
14. Courier/Postage.....	(*)
15. Storage (Envelopes and remittance material retained unsorted for 14 days and destroyed).....	(*)
16. Minimum Monthly Billing (excluding actual charges).....	175.00
17. New Account Set-up (*).....	50.00–500.00
18. Special Services.....	(*)

Statement Rendering Service		Fee
Automated Clearing House ("ACH") and Electronic Funds Transfer ("EFT") Services		
ACH Pass-Through (Receiving):		
1. Pick up ACH tape from local FRB and transmit/deliver to data processor (per tape).....		\$1.00
(Plus per item).....		.01
2. Process multiple tapes from FRB and transmit/deliver one consolidated tape to data processor (per tape).....		1.00
(Plus per item).....		.01
3. Receive properly formatted ACH transmission from data processor and deliver to local FRB (per tape).....		1.00
(Plus per item).....		.01
4. Produce system output tape (without processing any input) (per tape).....		1.00
ACH Origination File:		
Receive properly formatted ACH data entry tape from data processor for entry into Federal Reserve ACH system (per tape).....		5.00
(Plus per item).....		.05
Reformat ACH File for Transmission:		
Receive ACH tape from local FRB or data processor and reformat for data transmission (i.e., change blocking function) (per tape—additional charge).....		1.50
ACH File Creation:		
Receive unformatted source data from financial institution or data processor, create ACH file and enter into Federal Reserve ACH system. (Includes data conversion; i.e., keypunching) (per tape).....		5.00
(Plus per item).....		.10
Surcharges For Next-Day Settlement:		
(Credits & debits originated) (per item).....		.06
Warehouse entries for future settlement (per item).....		.0025
Telephone advice (per day).....		2.00
Messenger/delivery.....		(¹⁰)
Miscellaneous.....		(¹⁰)
Visa/Mastercard Processing Service		
Monthly Settlement (Merchant Program, Cardholder Program, or both).....		55.00
Sales Drafts and Cash Advance Tickets Deposited.....		.01
Adjustments, Returns, Corrections, Income Distributions (All Entries).....		.50
Note: Fees will be charged through the members' account analysis.		

¹ Actual cost.² At a quoted rate.³ Actual cost.⁴ Standard order fee plus actual charges.⁵ Open envelope; screen per instructions; and verify payee, signature and amount. Record date on check, remittance, envelope or correspondence as requested.

Balance checks to remittances and post credits to account specified. A specific fee is negotiated in the ranges shown above depending upon the number and degree of difficulty of task requirements of individual members.

⁶ Actual cost.⁷ Beyond 14 days price negotiated.⁸ A one time charge.⁹ Price negotiated.¹⁰ Actual/negotiated rate.

DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS (1988 DDA SERVICES)

Demand Deposit Account Service		Fee
Checks/money orders paid:		
Checks cycled (per item).....		\$1.15
Checks truncated (per item).....		\$1.13
Reconciliation of check/money order:		
Magnetic tape (per item).....		.02
MICR (per item).....		.07
Fine sort (per item).....		.006
Credits/adjustments (per item).....		(¹)
Wire transfer:		
In.....		2.00
Out.....		4.00
Stop payments (per item).....		2.50
Exception item return (per item).....		2.50
Depository transfer checks (per item).....		4.00
Photocopy (per item).....		4.00
Account maintenance (for accounts with more than 1,000 transactions per month) (per association).....		25.00
Voids.....		(¹)
Credits/adjustments.....		(¹)
Account activity reporting.....		(²)
Checks/money order forms (above standard check).....		(²)
Paid items mailed to association.....		(²)
Overdrafts (per daily occurrence and interest at special variable advance rate plus 3%).....		50.00

¹ No charge.² Toll free by telephone.³ Actual costs.

Deposit Processing Fees

Item Processing Centers

	Dallas Texas (except S.E.), N. Louisiana, New Mexico	New Orleans, S. Louisiana, S. Mississippi	Little Rock, Arkansas, N. Mississippi	VIA Memphis FED	Houston, Southeast Texas
Deposit items:					
Postal money orders, U.S. Treasury checks (per item)	\$0.022	\$0.025	\$0.025	\$0.03	\$0.025
Local items (per item) .....	.022	.025	.025	.03	.025
RCPC items (per item) .....	.026	.025	.035	.03	.040
Other Fed items (per item) .....	.065	.060	.0625	.07	.065
Encoding charge (per item) .....	.025	.025	.020	.025	.025
Returned items (per item)	1.50	1.50	1.50	1.50	1.50
Cash letter fee (per item)				1.75	
Non-cash collection services:					
Security coupons (per envelope)	2.75	2.50	2.50	2.50	2.50
Food stamps and coupons (per deposit)	1.50	1.50	1.50	1.50	1.50
Foreign items (per item)	6.50	6.50	2.50	2.50	6.50
All others (Drafts, etc.) (per item)	2.75	2.50	2.50	2.50	2.75

Coin and Currency Services Fees

Preparation and Handling Fees *:	
Delivery (\$5.00 minimum):	
Coin (per roll)	\$.10
Currency (per strap) .....	.50
Container:	
Dallas, Houston, or San Antonio City .....	.50
All others, Texas, N. Louisiana and New Mexico .....	.32
Deposit * (\$5.00 minimum):	
Coin (per bag) .....	.75
Currency (per strap) .....	.65
Emergency orders (additional per hour)	75.00
Security charge (per \$1000 delivered or deposited) .....	.18
Transportation Charges (quoted per roundtrip for delivery, deposit, or both):	
Dallas, El Paso, Houston or San Antonio delivery (per shipment)	15.00
All other in Texas (\$12.00 per stop or \$22.00 per single) (plus per mile between Federal reserve city and delivery point) .....	.15
Little Rock Center deliveries	(⁵)
Arkansas or Northern Mississippi deliveries	(⁶)
New Orleans city delivery (one-way) (per shipment)	15.00
All other in Louisiana (per round trip from New Orleans based on Louisiana tariffs)	40.00-75.00
Southern Mississippi	(⁶)
Registered mail	(⁶)
Delay of armored carrier (per fifteen (15) minute interval or fraction thereof)	18.00

* Customers in Northern Louisiana should call for quote.

* Call FHLBank for price quote.

* Actual postage cost.

DISTRICT 10.—FEDERAL HOME LOAN BANK OF TOPEKA (1988 DDA SERVICES)

DDA service	Fee
Demand deposit accounting:	
Full service demand plus accounting (Includes Automatic Branch control reconciliation, reporting of full account activity) (per item)	
Cycle	\$0.15
Truncated .....	.12
Basic demand plus accounting (standard summary statement, must be able to process magnetic tapes) (per item)	
Cycle .....	.11
Truncated .....	.08
Large item return notification (\$2,500 and over) (per item)	3.00
Treasury:	
Wire transfers:	
Incoming (per item)	\$2.00
Outgoing (per item)	4.00
Pass-through reserves (per month)	25.00
Lockbox processing	
Items per month	Fee per item
1 to 50,000	\$0.15
50,001 to 80,000 .....	.145
80,001 to 120,000 .....	.14

DISTRICT 10.—FEDERAL HOME LOAN BANK OF TOPEKA (1988 DDA SERVICES)—Continued

DDA service	Fee
120,001 to 160,000 .....	.135
160,001 to over .....	.13
Monthly processing fee	100.00
Photocopy retrieval (per item)	2.00
Stop payment processing	(¹)
Exception item review/processing (each) .....	.07
Safekeeping charges:	
Interest payment fees:	
Interest payments other than mortgage-backed principal and interest payments	(²)
Mortgage-backed principal and interest monthly payments (per advice)	2.50
Safekeeping account maintenance fee (per month)	(²)
Segregation and pledge activity fees:	
Segregation Account Maintenance (per association-per month)	(²)
Joint custody, pledges to third party, pledges to the FHLB as collateral for advances, other pledges and segregation (per receipt and release per security)	10.00
Transaction fees:	
Federal reserve book-entry eligible securities including treasuries, agencies, FNMA, FHLMC mortgage-backed certificates (per receipt and redemption)	2.50
MBSCC depository Eligible GNMA mortgage-backed certificates (per receipt and redemption)	10.00
Physical securities; DTC eligible securities and book-entry New York Federal Reserve eligible securities (per receipt and redemption)	40.00

	Kansas City	Oklahoma City	Topeka	Omaha	Wichita	Denver
	Enc/Unenc	Enc/Unenc	Enc/Unenc	Enc/Unenc	Enc/Unenc	Enc/Unenc
Processing fees:						
Local	\$0.025/.05	\$0.025/.038	\$0.02/.033	\$0.025/.038	\$0.2/.04	\$0.015/.033
RCPC .....	.035/.06	.038/.051	.039/.052	.038/.051	.025/.045	.023/.041
Country .....	.035/.06	.038/.051	.039/.052	.038/.051	.025/.045	.029/.047
Transit .....	.085/.11	.067/.08	.067/.08	.067/.08	.075/.095	.067/.085
Returns (per item)						\$0.80
Collections (per item plus subsequent handling fees)						2.50
Coin and currency (per phone call)						2.50
Courier and armored car costs						(⁴)
Research & mass photocopy requests (\$12.00 per hour per item) .....						.15
Statement matching:						
Truncated statement .....						.05
Cycled statement (per check up to 50 checks plus .01 per check thereafter) .....						.15
Insert .....						.01

¹ Negotiable.² No charge.³ A monthly charge of 1/12 of 1/100 of 1% of par balance of the first \$300 million of portfolios. A monthly charge of 1/12 of 1/200 of 1% on the balance over \$300 million. Fee is calculated on the month-end par balance of each account. The fee is charged on the last day of the month.⁴ Actual cost.

NOTES: FHLBank provides postage at cost and associations will provide latex envelopes. FHLBank provides deposit tickets at no charge and has no reserve requirements for DDA account balances

DISTRICT 11.—FEDERAL HOME LOAN BANK OF SAN FRANCISCO (1988 DDA SERVICES)

Depository services	Fee
Deposit processing services:	
Depository service charges (minimum charge)	\$300.00
Deposit processing:	
5:30 p.m. Deposit deadline:	
Encoded items deposited ¹ :	
Mixed (per item) .....	.105
Group sort (per item) .....	.15
Encoding fee (per item) .....	.02
8:30 p.m. Deposit deadline:	
Encoded items deposited:	
Twelve district (per item) .....	.05
Out of region (per item) .....	.085

DISTRICT 11.—FEDERAL HOME LOAN BANK OF SAN FRANCISCO (1988 DDA SERVICES)—Continued

Depository services	Fee
Encoding fee (per item) .....	.015
10:30 p.m. Deposit deadline:	
Encoded items deposited:	
Twelve district (per item) .....	.05
Out of region (per item) .....	.085
Encoding fee (per item)	0.02
Other charges:	
Deposit ticket (per ticket)	1.10
Commercial deposits (per ticket)	1.10
Returned items (per item)	1.10
End-Point deposit analyses reports (per month)	30.00
Monthly account maintenance (per account)	15.00
Collection services:	
Clean collection (per item)	7.50
Documentary collection (per item)	15.00
Savings bonds (per transmittal)	7.50
Coupon collection (per envelope)	15.00
Foreign drafts ² :	
Foreign collection (per item)	20.00
Canadian cash letter (per item)	1.00
Returned items (per item)	7.50
Food coupons (per item) .....	.15

¹ A mixed presentment is defined as a cash letter for which 33 percent of the total number of items represents end points other than the five direct send banks. If desired, the nondirect send portion of the group can be presented on a separate cash letter for processing against a more favorably priced deadline (i.e., 8:30). This definition of "mixed" presentment will cause the deposits of two institutions to be reclassified to the higher priced "group" presentment for the 5:30 deadline.

² All Canadian items over \$500 and all non-Canadian foreign items must be submitted as a foreign collection.

Services	Fee
Coin and currency services:	
Furnished (\$3.00 per order, plus):	
Currency (per \$1,000)	\$0.85
Coin (per roll) .....	.07
Deposited (\$1.50 per deposit plus):	
Currency (loose, per \$1,000) .....	.90
Coin ordered (per roll) .....	.09
Other charges:	
Late cash order (per order)	\$25.00
Adjustments over \$5.00 (per adjustment)	5.00
Coordination of transportation (per branch)	12.00
Basic account services:	
Monthly account maintenance:	
Regular accounts (per account)	15.00
Zero balance accounts (per account)	30.00
Checks paid (per item)	0.115
Checks deposited (per item)	1.00
Items returned (per item)	1.00
Stop payments (per item)	7.50
Daily statements	(¹)
Out-of-cycle	5.00
Photocopies (per copy)	3.00
ACH debits/credits (per settlement transaction)	0.25
Incoming wires (per wire)	7.00
Photocopies (per wire)	3.00
Outgoing wires (per wire)	10.00
Immediate advice (per wire)	10.00
Book transfers (per transaction)	6.00
Service wire (per wire)	5.00
Passthrough reserve services (per month)	100.00
Overdraft charges (minimum charge)	(²)
Special research (per hour)	30.00
Account reconciliation services:	
Full reconciliation:	
Monthly account maintenance standard (per account)	50.00
Non-standard (per account)	75.00
Checks paid (per item)	0.115
Truncated checks (per item)	0.065
Issue input method:	
MICR (per item)	0.115
Tape (per item)	0.055
Transmission input (per transmission)	5.00
Partial reconciliation:	
Monthly account maintenance (per account)	30.00
Checks paid (per item)	0.115
Truncated checks (per item)	0.065
Miscellaneous services:	
Fine sort (per item)	0.03

Services	Fee
Microfilm (per roll).....	10.00
Magnetic tape output (paid checks) (per tape, plus).....	25.00
(Per item).....	.02
Data transmission (per transmission, plus).....	5.00
(Per item).....	0.025
Stop payment (per item).....	7.50
Range stops, less than 50 (per consecutive range).....	25.00
Range stops, greater than 50 (per consecutive range).....	50.00
Microfiche reports (per fiche).....	3.00
Audit list of issues (per list).....	1.00
Mortgage safekeeping services:	
FHLB collateral:	
Deposits (per loan).....	3.00
Withdrawals (per loan).....	4.00
Reviews (per loan).....	3.50
Local collateral:	
Deposits (per loan).....	2.25
Withdrawals (per loan).....	2.25
Reviews (per loan).....	2.50
State collateral:	
Deposits (per loan).....	2.25
Withdrawals (per loan).....	2.25
Reviews (per loan).....	2.50
Other collateral:	
Deposits (per loan).....	2.25
Withdrawals (per loan).....	2.25
Reviews (per loan).....	2.50
Free:	
Deposits (per loan).....	2.00
Withdrawals (per loan).....	2.00
Reviews (per loan).....	2.50
Custody fees:	
FHLB (per month per loan).....	.30
Local (per month per loan).....	.20
State (per month per loan).....	.20
Other (per month per loan).....	.20
Free (per month per loan).....	.15
Account reconciliation (per quarter for local agency).....	.15
Minimum transaction fee.....	150.00
Other services.....	50.00
Book entry:	(³)
Deposits (per transaction).....	15.00
Withdrawals (per transaction).....	15.00
Maturities (per transaction).....	15.00
Definitive (Physical):	
Deposits (per transaction).....	50.00
Withdrawals (per transaction).....	50.00
Maturities (per transaction).....	50.00
Pledging of securities:	
FHLB book entry:	
Deposits (per transaction).....	30.00
Withdrawals (per transaction).....	30.00
FHLB definitive:	
Deposits (per transaction).....	30.00
Withdrawals (per transaction).....	30.00
Local book entry:	
Deposits (per transaction).....	27.50
Withdrawals (per transaction).....	27.50
Local definitive:	
Deposits (per transaction).....	27.50
Withdrawals (per transaction).....	27.50
State and repo book entry:	
Deposits (per transaction).....	25.00
Withdrawals (per transaction).....	25.00
State and repo definitive:	
Deposits (per transaction).....	25.00
Withdrawals (per transaction).....	25.00
Other pledged book entry:	
Deposits (per transaction).....	40.00
Withdrawals (per transaction).....	25.00
Other pledged definitive:	
Deposits (per transaction).....	40.00
Withdrawals (per transaction).....	25.00
Custody fees:	
Book entry (per month per issue).....	40.00
Definitive (per month per issue).....	25.00
Registration of certificates.....	(¹)
Special handling.....	(¹)
Local report filing (per quarter).....	150.00

Services	Fee
Lockbox services:	
Coupon processing:	
Coupons (per item).....	.18
Exception coupon (per item).....	.23
Non-processable documents.....	.23
Check processing on the next day (per check).....	.05
Check processing on the same day (per check).....	.085
Return item processing:	
Redeposit (per item).....	1.00
Return (per item).....	1.00
Account processing (per month).....	15.00

¹ No charge.

² Bank's Overnight Cash Needs Rate plus 2% (rate published by Bank's Credit Services Department).

³ At cost.

⁴ At cost plus 20%.

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1988 DDA SERVICES)

Service	Fee
Official checks, money orders and cashier's checks:	
Monthly account maintenance (per account).....	\$7.00
Accounting funding:	
ACH cash concentration service (per transfer).....	1.00
Wire transfers:	
One in and one out each day.....	(¹)
Additional incoming wires (per wire).....	2.00
Additional outgoing wires (per wire).....	3.00
International wires (per wire).....	22.50
Customer wires (per wire).....	3.00
Mail-in deposits (per deposit).....	.25
Inter-bank account transfers.....	(¹)
Paid items:	
CheckOne account (per item).....	.0775
CheckOne-plus account (\$25.00 per tape, plus) (per item).....	.0775
MasterOne account, mag tape input (per item).....	.085
MasterOne account, check copy input (per item).....	.105
Substandard MICR item manual posting (per item).....	.25
Stop payments:	
Prior to 2:30 pm PST deadline (per stop).....	5.00
After 2:30 pm PST deadline (per stop).....	7.00
Photocopy/research requests (per item).....	1.00
Monthly account reconciliation (per account).....	4.50
Microfiche statements (per account).....	2.50
Large dollar verifications:	
\$100,000 endorsement verification.....	(¹)
\$100,000 signature verification.....	(¹)
Miscellaneous and out of pocket expenses.....	(²)
Securities safekeeping fee schedule:	
Monthly account maintenance (per account).....	15.00
Monthly custody:	
Book entry (per security).....	1.00
Physical securities, including MBSCC (per security).....	2.25
Eurodollar (per security per \$1,000 of value).....	.05
Receipt/delivery/redemption:	
Book entry (per security).....	10.50
Physical securities, including MBSCC (per security).....	22.00
Eurodollar (per security).....	45.00
Account switch:	
Book-entry, between regular safekeeping accounts (per switch).....	10.50
Book entry, between regular safekeeping account and a collateral account (per switch).....	15.00
Physical, including MBSCC securities, between regular safekeeping accounts (per switch).....	22.00
Physical, including MBSCC securities, between regular safekeeping account and a collateral account (per switch).....	25.00
Eurodollar, between safekeeping accounts (per switch).....	40.00
Eurodollar, between safekeeping and collateral accounts (per switch).....	45.00
Income collection:	
Principal and interest payments (P&I) (per pool).....	6.50
Other income collections (per security).....	2.00
Corporate reorganizations (per reorganization).....	50.00
Audit verifications (per request).....	8.00
Audit verifications (per request).....	8.00
Miscellaneous and out-of-pocket expenses shipping, registration, etc.....	(³)
Pledged Securities (collateral) services fee schedule:	
Monthly account maintenance (per account).....	30.00

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1988 DDA SERVICES)—Continued

Service	Fee
Monthly custody:	
Book entry (per security)	1.75
Physical, including MBSCC securities (per security)	2.75
Eurodollar (per security per \$1,000 of value) .....	.05
Receipt/delivery/redemption:	
Book entry (per security)	15.00
Physical, including MBSCC securities (per security)	25.00
Eurodollar (per security)	50.00
Account switch:	
Book-entry, between a collateral account and a regular safekeeping account (per switch)	15.00
Book-entry, between a collateral accounts (per switch)	18.00
Definitive, between a collateral account and a regular safekeeping account (per switch)	25.00
Definitive, between a collateral accounts (per switch)	28.00
Eurodollar, between collateral and safekeeping accounts (per switch)	45.00
Eurodollar, between collateral accounts (per switch)	50.00
Income collection:	
Principal and interest payments (P&I) (per pool)	6.00
Other income collections (per security)	2.00
Corporate reorganizations (per reorganization)	50.00
Audit verifications (per request)	8.00
Miscellaneous and out-of-pocket expenses shipping, registration, etc.	(*)
Settlement services fee schedule:	
ACH settlement (per entry)	25
Contemporaneous reserve settlement (per month)	45.00
NOW account settlement (per month)	165.00
Federal reserve settlement (per month)	165.00
Mortgage custody services:	
GNMA pools schedule of fees:	
Mortgage file review (per file)	2.50
Additions to file (per file)	2.50
Withdrawals of file (per file)	3.00
Recertification (per file with a \$25 minimum per pool)	1.00
Annual file maintenance (per file with a \$150 annual minimum)	1.00
Audit or review of file (per file)	2.50
Miscellaneous and out-of-pocket expenses: postage, courier, etc.	(*)

1 No charge.

2 As required.

3 As required.

4 As required.

5 As required.

Note.—Prices may vary in some circumstances. For additional information, contact the Correspondent Services Marketing Department.

NOTES:

(1) The above fees assume:

—use of standard GNMA Custodial Agreement.

—all files received are in good order.

—no additional duties are to be performed by FHLB outside of those listed above.

(2) All out-of-pocket expenses, such as postage and courier fees, are charged on a cost pass-thru basis.

(3) The above fees do not apply to the custody of mortgages pledged as collateral to the FHLB of advances under the "Advances Agreement, Pledge Agreement and Security Agreement".

(4) Individual quotes will be given on all private placements. Prices may vary in some circumstances.

(5) For additional information, contact the Correspondent Services Marketing Department.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-29116 Filed 12-19-88; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Maryland Corp. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are

considered in acting on the applications are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 9, 1989.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President)
701 East Byrd Street, Richmond, Virginia 23261:

1. *Bank Maryland Corp.*, Towson, Maryland; to acquire 100 percent of the voting shares of Bank of Maryland—Carroll County, in organization, Westminster, Maryland, a *de novo* bank.

B. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Alabama National Bancorporation*, Shoal Creek, Alabama; to acquire 98.14

percent of the voting shares of Bank of Alabama, Fultondale, Alabama.

2. *FBT Bancshares, Inc.*, Fayetteville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank & Trust Company, Fayetteville, Georgia.

3. *First Commercial Bancshares, Inc.*, Jasper, Alabama; to acquire 100 percent of the voting shares of Sterling Bank, Montgomery, Alabama, a *de novo* bank.

C. *Federal Reserve Bank of Chicago* (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Chandlerville Bancshares*, Chandlerville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples State Bank of Chandlerville, Chandlerville, Illinois.

2. *Marshall & Ilsely Corporation*, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of M & I Greater Waukesha Bank, Pewaukee, Wisconsin, a *de novo* bank.

Board of Governors of the Federal Reserve System, December 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29127 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks, Inc.; Proposal to Underwrite and Deal in Certain Securities to a Limited Extent and To Engage in Full-Service Brokerage for Institutional and Retail Customers

Barnett Banks, Inc., Jacksonville, Florida ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a), of the Board's Regulation Y (12 CFR 225.23(a)), for permission to engage through Barnett Brokerage Service, Inc., West Palm Beach, Florida ("Company"), in the activities of underwriting and dealing in, to a limited degree, commercial paper, municipal revenue bonds (including "public ownership" industrial development bonds), 1-4 family mortgage-related securities and consumer-receivable-related securities ("ineligible securities"). These securities are eligible for purchase by banks for their own account but not eligible for banks to underwrite and deal in.

Applicant has also applied to engage through Company in the offering of securities brokerage services and investment advisory services to retail and institutional customers. The Board has previously approved the provision of these services in *Bank of New England Corporation*, 74 Federal Reserve Bulletin 700 (1988). See also

Signet Banking Corporation, 75 Federal Reserve Bulletin (Order dated November 28, 1988).

In addition, Applicant has applied to underwrite and deal in securities that state member banks are permitted to underwrite and deal in under the Glass-Steagall Act ("eligible securities") (U.S. government securities, general obligations of states and municipalities and certain money market instruments), as permitted by § 225.25(b)(16) of Regulation Y (12 CFR 225.25(b)(16)), and to provide investment or financial advice as permitted by § 225.25(b)(4) of Regulation Y (12 CFR 225.25(b)(4)).

Company would conduct the proposed activities on a nationwide basis. Company is currently authorized under section 4(c)(8) of the BHC Act to provide discount securities brokerage services.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." Applicant has applied to underwrite and deal in ineligible securities in accordance with the limitations set forth in the Board's Orders approving those activities for a number of bank holding companies. See, e.g., *Citicorp*, *J.P. Morgan & Co. Incorporated* and *Bankers Trust New York Corporation*, 73 Federal Reserve Bulletin 473 (1987); and *First Chicago Corporation*, 74 Federal Reserve Bulletin 706 (1988). However, Applicant has requested one modification of the limitations set forth in previous Board Orders. Applicant has committed that all underwriting activities of Company will be conducted in offices separate from those of its affiliated banks, but requests that Company be permitted to retain its securities brokerages offices currently located in the offices of Applicant's banking affiliates. Applicant states that these offices are clearly identified, distinct and separate from the banks' functional areas.

Applicant contends that approval of the application would not be barred by section 20 of the Glass-Steagall Act (12 U.S.C. 377). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank, such as Barnett Bank of Jacksonville, N.A., Jacksonville, Florida, with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities. Applicant states that it would not be "engaged principally" in such activities on the basis of the restriction on the amount of the proposed activity relative to the total business conducted by the

underwriting subsidiary previously approved by the Board.

Any request for a hearing on this application must comply with § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Atlanta.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than January 14, 1989.

Board of Governors of the Federal Reserve System December 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29135 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in action on notices are set forth in paragraph 7 of the act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comment must be received not later than January 3, 1989.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Frederick M. Haynes*, Englewood, Colorado; *Herbert H. Maruyama*, Lakewood, Colorado; and *Richard W. Newman*, Englewood, Colorado; to each acquire and additional 13.25 percent of the voting shares of *Frontier Bancorporation of Denver, Inc.*, Denver, Colorado, and thereby indirectly acquire *Frontier Bank of Denver*, Denver, Colorado.

Board of Governors of the Federal Reserve System, December 13, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29132 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notice; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 30, 1988.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Albert D. Johnson** and **Vernon L. Johnson**; to acquire collectively 33.3 percent of the voting shares of Walhalla Bank Holding Company, Walhalla, North Dakota, and thereby indirectly acquire Walhalla State Bank, and Langdon Bank Holding Company, Langdon, North Dakota, and thereby indirectly acquire First State Bank of Langdon, Langdon, North Dakota.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Carl Skarphol**, **Souris, North Dakota**; to acquire 3.89 percent of the voting shares of State Bank of Bottineau Holding Company, Bottineau, North Dakota, and thereby indirectly acquire State Bank of Bottineau, Bottineau, North Dakota.

Board of Governors of the Federal Reserve System, December 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29133 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

FINACORP, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 4, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. **Finacorp, Inc.**, Naples, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Naples, Naples, Florida, a *de novo* bank.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. **Midwest Financial Group**, Peoria, Illinois; to acquire through PMI Acquisition Corporation, 100 percent of the voting shares of Peoples Mid-Illinois Corporation, Bloomington, Illinois, and thereby indirectly acquire Peoples Bank Bloomington, Illinois. In connection with this application, PMI Acquisition Corporation, Peoria, Illinois, has applied to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Mid-Illinois Corporation, Bloomington, Illinois, and thereby indirectly acquire Peoples Bank, Bloomington, Illinois.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. **Old National Bancorp**, Evansville, Indiana; to acquire 100 percent of the

voting shares of The First National Bank of Harrisburg, Harrisburg, Illinois.

2. **Old National Bancorp**, Evansville, Indiana; to acquire 100 percent of the voting shares of Morganfield National Service Corp., Morganfield, Kentucky, and thereby indirectly acquire the Morganfield National Bank, Morganfield, Kentucky.

Board of Governors of the Federal Reserve System, December 13, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29129 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

First Bank System, Inc., et al.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than January 9, 1989.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System*, Minneapolis, Minnesota; to expand the activities of its subsidiary, FBS Credit Services, Inc., to acquire and manage classified and low quality assets from its subsidiary banks located in Colorado pursuant to § 225.25(b)(1) of the Board's Regulation Y. The geographic scope is to be expanded to include Colorado.

Board of Governors of the Federal Reserve System, December 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29128 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

First National Bancshares of Winfield, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a

hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than December 30, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National Bancshares of Winfield, Inc.*, Winfield, Kansas; to acquire Oxford Insurance Agency, Inc., Oxford, Kansas, and thereby engage in insurance agency activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in an area approximated by a circle with a 10-mile radius around Oxford, Kansas, a community served by Applicant's recently acquired subsidiary bank, Oxford Bank, Oxford, Kansas.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Moore Financial Group Incorporated*, Boise, Idaho; to acquire the trust assets of Tracy Collins Bank & Trust Company, Salt Lake City, Utah, through its nonbank subsidiary, Moore Trust Company, Salt Lake City, Utah.

Board of Governors of the Federal Reserve System, December 15, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29208 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-10-M

Fleet/Norstar Financial Group, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of

Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 4, 1989.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet/Norstar Financial Group, Inc.*, Providence, Rhode Island; to engage *de novo* through its subsidiary, Fleet/Norstar Asset Management Corporation, Providence, Rhode Island, in the operation of a collection agency pursuant to § 225.25(b)(23); making, acquiring or servicing loans and other extensions of credit pursuant to § 225.25(b)(1); and equipment leasing activities pursuant to § 225.25(b)(5) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *WCN Bancorp, Inc.*, Wisconsin Rapids, Wisconsin; to engage *de novo* through its subsidiary, Wood Trust Company, Wisconsin Rapids, Wisconsin, in performing trust company functions pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 13, 1988

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29130 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

Fleet/Norstar Financial Group, Inc., et al.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of

the Board's Regulation Y (12 CFR § 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR § 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 4, 1989.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106.

1. *Fleet/Norstar Financial Group, Inc.*, Providence, Rhode Island, to acquire Fleet Real Estate Funding Corp., Columbus, South Carolina, and thereby engage in mortgage and commercial finance activities pursuant to § 225.25(b)(1)(iii) and (b)(1)(iv); the sale of credit life insurance in connection with mortgage loans pursuant to § 225.25(b)(8)(i); and real estate equity financing pursuant to § 225.25(b)(14) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 13, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-29131 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

KeyCorp, et al.; Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) for the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 6, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *KeyCorp*, Albany, New York; *Key Atlantic Bancorp.*, Albany, New York; and *Key Bancshares of New York Inc.*, Albany, New York; to engage *de novo* through their subsidiary, *Key Bank Life Insurance, Ltd.*, Phoenix, Arizona, in underwriting, as reinsurer of credit accident and health insurance directly related to extensions of credit by their subsidiaries pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

2. *The Long-Term Credit Bank of Japan*, Tokyo, Japan; to engage *de novo* through its subsidiary, *Greenwich Capital Markets, Inc.*, Greenwich, Connecticut, in (1) underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks of the Federal Reserve System may be authorized to underwrite and deal in pursuant to § 225.25(b)(16); (2) engaging in repurchase and reverse repurchase transactions on bank-eligible securities, collateralized borrowing and lending of bank-eligible securities and providing custodial, accounting and record keeping and ancillary services; (3) providing portfolio investment advice and research and furnishing general economic information and advice, general economic statistical forecasting services and industry studies on a nonfee basis in connection with and as an incident to the proposed bank-eligible securities activities pursuant to § 225.25(b)(4); acting as a futures commission merchant for nonaffiliated persons in the execution and clearance on major commodity exchanges of futures contracts and options on futures contracts for bullion, foreign exchange, government securities, certificates of deposit and other money market instruments that a bank may buy or sell in the cash markets for its own account; and providing investment advice as a futures commission merchant with respect to the purchase and sale of futures contracts and options on futures contracts for the commodities and instruments referred to above pursuant to § 225.25(b)(19); and engaging in futures, forward and options contracts on bank-eligible securities for hedging purposes pursuant to Board Order (74 Fed. Res. Bull. 573 (1988)). These activities will be conducted on a worldwide basis.

3. *Swiss Bank Corporation*, Basle, Switzerland; to engage *de novo* through its subsidiary, *SBC Government Securities, Inc.*, in underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks of the Federal Reserve System may be authorized to underwrite and deal in pursuant to § 225.25(b)(16); (2) providing investment advice in respect of such obligations pursuant to § 225.25(b)(4); (3) engaging in repurchase and reverse repurchase transactions in such obligations, collateralized borrowing and lending of such obligations, clearing and settling bank-eligible securities transactions and providing custodial,

accounting and record keeping and ancillary services pursuant to §§ 225.25(b)(3) and 225.25(b)(15) of the Board's Regulation Y. *Comments on this application must be received by January 4, 1989.*

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Dai-Ichi Kangyo Bank, Tokyo, Japan; to engage de novo through its subsidiary, DKB Securities Corporation, New York, New York, in securities brokerage and underwriting and dealing in obligations of the United States, general obligations of states and political subdivisions and any other obligations which state member banks may be authorized to underwrite and deal pursuant to § 225.25(b)(15) and (b)(16) of the Board's Regulation Y.*

Board of Governors of the Federal Reserve System, December 14, 1988.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 88-29134 Filed 12-19-88; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade

Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 112888 AND 120988

Name of acquiring person; name of acquired person; name of acquired entity	PMN number	Date terminated
International Shipholding Corporation; C. S. Walsh; Waterman Industries Corporation	89-0301	11/28/88
Welsh, Carson, Anderson & Stowe IV; FPL Group, Inc.; CBR Information Group, Inc.	89-0375	11/28/88
PepsiCo, Inc.; Donald R. Watson; Pepsi-Cola Bottling Company of Wilmington, Inc.	89-0310	11/29/88
PepsiCo, Inc.; Carl B. Brown; Pepsi-Cola Bottling Company of Wilmington, Inc.	89-0328	11/29/88
Tele-Communications, Inc.; American Cable TV Investor; American Cable TV Investors	89-0280	11/30/88
First Financial Management Corporation; Appalachian Computer Services, Inc.; Appalachian Computer Services, Inc.	89-0285	11/30/88
Lennox International Inc.; Maytag Corporation; Magic Chef Air Conditioning Division of Maytag	89-0304	11/30/88
Hubert Perrodo; Carless PLC; Carless PLC	89-0307	11/30/88
Silgan Corporation; The Greyhound Corporation; The Dial Corporation-Ft. Madison Can Co. Division	89-0363	11/30/88
Premark International, Inc.; Howard C. Tibbals; Tibbals Flooring Co.	89-0383	11/30/88
Jerry Minsky; Douglas Wolf; BWAC Sub Two, Inc.; BWAC Sub Six, Inc.; BWAC Sub 7 Inc.	89-0427	11/30/88
Omak Wood Products Holding Corp.; Sir James M. Goldsmith; Cavenham Forest Industries, Inc.	89-0441	11/30/88
Metropolitan Life Insurance Company; First Boston, Inc.; BMG Holdings Inc.	89-0448	11/30/88
Haden MacLellan Holdings Plc; Williams Holdings PLC; Williams Holdings PLC	89-0323	12/01/88
SSI Associates, L. P., c/o Kohlberg Kravis Roberts; Corporate Property Investors; Corporate Property Investors	89-0384	12/01/88
SSI Associates, L. P.; Realty and Equipment Corporation; Realty and Equipment Corporation	89-0385	12/01/88
Lohja Corporation; Southdown, Inc.; Florida Mining and Materials Concrete Corp.	89-0386	12/01/88
Frontenac Venture V Limited Partnership; Meshulam Riklis; Home Fashions, Inc.	89-0391	12/01/88
Cookson Group plc; Leach & Garner Company; Leach & Garner Company-Mill Division	89-0411	12/01/88
Cookson Group plc; Stern/Leach Company; Stern/Leach Company (joint venture)	89-0412	12/01/88
Leach & Garner Company; Stern/Leach Company; Stern/Leach Company (joint venture)	89-0414	12/01/88
John W. Kluge; Stanadyne Holdings Corp.; Stanadyne, Inc.	89-0438	12/01/88
Heco, Inc.; Harvey E. Kroiz; Triangle Building Supplies & Lumber Co.	89-0313	12/02/88
Heco, Inc.; Harvey E. Kroiz; Triangle Building Supplies & Lumber Co.	89-0314	12/02/88
Super Valu Stores, Inc.; Red Owl Holdings, Inc.; Red Owl Stores, Inc.; ROSBismarck, Inc.; ROS Brookings	89-0161	12/05/88
Seagull Energy Corporation; Houston Oil Trust; Houston Oil Trust	89-0361	12/05/88
Pearl H. Hack; Metex Corporation; Metex Corporation	89-0366	12/05/88
Douglas A. Kass; H. H. Robertson Company; H. H. Robertson Company	89-0377	12/05/88
Kuwait Petroleum Corporation; Mesa Limited Partnership; Mesa Limited Partnership	89-0389	12/05/88
China National Chemicals Import and Export Corporation; The Coastal Corporation; Pacific Refining Company	89-0403	12/05/88
American Exploration Company; Enron Corp.; Enron Oil & Gas Company	89-0415	12/05/88
KELP-1987 Limited Partnership; Harold S. Wenat; Valley Associates, Ltd.	89-0431	12/05/88
Pacificorp; Enron Corp.; Enron Oil & Gas Company	89-0432	12/05/88
The General Electric Company, p.l.c.; Maatschappij van Berkel's Patent N.V.; Maatschappij van Berkel's Patent N.V.	89-0437	12/05/88
United Technologies Corporation; Parker Electronics, Inc.; Parker Electronics, Inc.	89-0439	12/05/88
Amoco Corporation; Sun Exploration and Production Company; Sun Operating Limited Partnership	89-0440	12/05/88
Swire Pacific Ltd.; J. Christopher Burch; The Eagle's Eye, Inc.; Eagle's Eye, Ltd.	89-0455	12/05/88
California State Automobile Association; Automobile Club Insurance Company; Automobile Club Insurance Company	89-0461	12/05/88
American Automobile Association; Automobile Club Insurance Company; Automobile Club Insurance Company	89-0465	12/05/88
Pechiney; Nelson Peltz and Peter May; Triangle Industries, Inc.	89-0468	12/05/88
Pechiney; Avery Inc.; Avery Inc.	89-0469	12/05/88
Nelson Bunker Hunt Trust Estate; Prosper Energy Corporation; Prosper Energy Corporation	89-0475	12/05/88
William Herbert Hunt Trust Estate; Prosper Energy Corporation; Prosper Energy Corporation	89-0476	12/05/88
Lamar Hunt Trust Estate; Prosper Energy Corporation; Prosper Energy Corporation	89-0477	12/05/88
Pechiney; Nelson Peltz and Peter May; Triangle Industries, Inc.	89-0478	12/05/88
Welsh, Carson, Anderson & Stowe IV; FPL Group Inc.; CBR Info. Group, Inc. & CBR Info. Services, Inc.	89-0484	12/05/88
Public Service Enterprise Group Incorporated; TOTAL Compagnie Francaise des Petroles; Total Petroleum, Inc.	89-0485	12/05/88
General Motors Corporation; VideoStar Connections, Inc.; VideoStar Connections, Inc.	89-0491	12/05/88
UtiliCorp United Inc.; Air Products and Chemicals, Inc.; Stockton CoGen (II), Inc.	89-0497	12/05/88
JWP Inc.; John Fitzsimmons; Data Systems Computer Centre, Inc.	89-0500	12/05/88

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 112888 AND 120988—Continued

Name of acquiring person; name of acquired person; name of acquired entity	PMN number	Date terminated
Bausch & Lomb Incorporated; Dental Research Corporation; Dental Research Corporation	89-0502	12/05/88
Broadway Financial Corporation; Seth M. Glickenhau; Glickenhau & Co.-New Jersey Limited Partnership	89-0510	12/05/88
Spear, Leeds & Kellogg; Merrill Lynch & Co., Inc.; Wagner Stott Clearing Corp	89-0513	12/05/88
IC Industries, Inc.; Kentco Limited; Orval Kent Food Company, Inc.	89-0525	12/05/88
Swire Pacific Ltd.; Robert L. Burch; The Eagle's Eye, Inc. and Eagle's Eye Ltd	89-0527	12/05/88
The Prudential Insurance Company of America; Robert W. Murphy; Lender's Service, Inc. and Lender's Service Title	89-0550	12/05/88
The Prudential Insurance Company of America; George S. Stipetich; Lender's Service, Inc. and Lender's Service Title	89-0551	12/05/88
Imperial Chemical Industries PLC; Warner B. Thiele; Thiele-Engdahl, Inc.	89-0263	12/06/88
B/S Investments; Harsco Corporation; Harsco's Astro Division titanium business	89-0398	12/06/88
Alco Standard Corporation; Hendrickson Family Trust; Copy-Line, Inc.	89-0433	12/06/88
Exxon Corporation; Texaco Inc.; Texaco Producing Inc.	89-0501	12/06/88
Federal Express Corporation; UAL Corporation; United Air Lines, Inc.	89-0512	12/06/88
Alain Merleux; McDonnell Douglas Corporation; Vitek Systems, Inc.	89-0306	12/07/88
Pacific Gas and Electric Company; TransCanada PipeLines Limited; Wessely Energy Company and Wessely Exploration Company	89-0308	12/07/88
VIAG Aktiengesellschaft; ESM, Inc.; ESM, Inc.	89-0340	12/07/88
B/S Investments; Formica Corporation; Formica Corporation	89-0344	12/07/88
Unilever N.V. and Unilever PLC; Beazer PLC; Thiem Corporation	89-0345	12/07/88
Brierley Investments Limited; Penn Virginia Corporation; Penn Virginia Corporation	89-0359	12/07/88
Masco Industries, Inc.; Superior Manufacturing & Instrument Corp.; Superior Manufacturing & Instrument Corp	89-0380	12/07/88
Pentair, Inc.; FC Holdings, Inc.; FC Holdings, Inc.	89-0424	12/07/88
Jannock Limited; Mr. John Lane; Potomac Graphic Industries, Inc.	89-0471	12/07/88
Fine Homes International, L.P.; Moran, Stahl & Boyer, Inc.; Moran, Stahl & Boyer, Inc.	89-0495	12/07/88
Metropolitan Life Insurance Co.; The G.S. Blodgett Co., Inc.; The G.S. Blodgett Co., Inc.	89-0450	12/08/88
Western Mining Corporation Holdings Limited; Texaco Inc.; Texaco Producing Inc	89-0544	12/08/88
Danzas AG; Northern Air Freight, Inc.; Northern Air Freight, Inc.	89-0560	12/08/88
H.C. Prange Company; B.A.T. Industries p.l.c.; Thimbles Specialty Stores, GRF, Inc.; Fieldridge, Inc.	89-0330	12/09/88
Exxon Corporation; Sun Exploration and Production Company; Sun Operating Limited Partnership	89-0434	12/09/88
Cliffs Drilling Company; Tenneco Inc.; Marlin Drilling Co., Inc.	89-0459	12/09/88
T&N plc; Stanadyne Holdings Corp.; Stanadyne Holdings Corp	89-0496	12/09/88
Imperial Chemical Industries PLC; Newco; Newco	89-0509	12/09/88
William Street Acquisition Corporation; British & Commonwealth Holdings PLC; William Street Holdings, Inc.	89-0522	12/09/88
Chemical Banking Corporation; Gourmet Bakers, Inc.; Gourmet Bakers, Inc.	89-0528	12/09/88
Chemical Banking Corporation; Metroplex Long Island Corporation; Metroplex Long Island Corporation	89-0529	12/09/88
Nelson Peltz & Peter May; Avery, Inc.; Avery, Inc.	89-0538	12/09/88
Mr. Peter W. May; Avery, Inc.; Avery, Inc.	89-0539	12/09/88
Sumitomo Heavy Industries, Inc.; FMC Corporation; Link-Belt Construction Equipment Company	89-0542	12/09/88
Chrysler Corporation; Richard L. Duchossois; Transportation Corporation of America	89-0545	12/09/88
Martin D. Gruss; Baxter International Inc.; Baxter's NDM Division	89-0552	12/09/88
Armco Inc.; Southwestern Ohio Steel, Inc.; Southwestern Ohio Steel, Inc.	89-0555	12/09/88
New York City District Council Carpenters Pension Fund; American Telephone and Telegraph Co.; AT&T Technologies, Inc.	89-0556	12/09/88
The Dunn & Bradstreet Corporation; Sales Technologies, Inc.; Sales Technologies, Inc.	89-0565	12/09/88
Ashland Coal, Inc.; Coal-Mac, Inc.; Coal-Mac, Inc.	89-0567	12/09/88
Southwestern Bell Corporation Master Pension Trust; H. F. Ahmanson & Company; H. F. Ahmanson & Company	89-0582	12/09/88
Cabot Corporation; Weldon C. Doran, Jr.; Doran & Associates, Inc.	89-0583	12/09/88
Sheet Metal Workers' National Pension Fund; ACMAT Corporation; ACMAT Corporation	89-0586	12/09/88
Pennzoil Company; Mobil Corporation; Mobil Corporation	89-0589	12/09/88
Triton Energy Corporation; Estate of Howard R. Hughes, Jr.; Hughes Aviation Services, L.P. and of	89-0592	12/09/88
Associated Electric Cooperative, Inc.; Union Pacific Corporation; Nemo Coal, Inc.	89-0599	12/09/88
Otsuka Pharmaceutical Co., Ltd.; Pharmavite Corporation; Pharmavite Corporation	89-0602	12/09/88
Nestle S.A.; Edgar B. Stern, Jr. and Pauline S. Stern; Royal Stanford Hotel Company	89-0604	12/09/88

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay, Contact
Representative, Premerger Notification
Office, Bureau of Competition, Room
303, Federal Trade Commission,
Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 29145 Filed 12-19-88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND
HUMAN SERVICESHealth Resources and Services
AdministrationSpecial Project Grants-Maternal and
Child Health Services; Federal Set-
Aside Program

AGENCY: Health Resources and Services
Administration, PHS, DHHS.

ACTION: Notice of availability of funds.

SUMMARY: The Bureau of Maternal and
Child Health and Resources
Development (BMCHRD), Health
Resources and Services Administration
(HRSA), that Fiscal Year (FY) 1989 funds
are available for grants for the following
activities: Special Maternal and Child

Health (MCH) projects of regional and
national significance (SPRANS) which
contribute to the health of mothers,
children, and children with special
health needs; MCH research; training in
MCH; genetic disease testing, counseling
and information services; and
hemophilia diagnostic and treatment
centers. Awards will be made under the
program authority of section 502(a) of
the Social Security Act (42 U.S.C.
702(a)), which is known as the MCH
Federal set-aside program. HRSA,
through this notice, invites potential
applicants to request application
packages for the particular grant
category in which they are interested
and then to submit their application for
funding consideration. Approximately
\$25 million is available to support new

and competing renewal projects under the MCH Federal set-aside program.

Funds were appropriated for this purpose by Pub. L. 100-436.

DATE: Deadlines for receipt of applications differ for the several categories of grants; these deadlines are as follows:

(1) Research:

(a) Cycle One: March 1, 1989

(b) Cycle Two: August 1, 1989

(2) Training:

(a) Long term training: March 29, 1989

(b) Continuing education: July 5, 1989

(3) Genetic disease testing, counseling and information: May 17, 1989;

(4) National hemophilia resource center: March 22, 1989; Public and private non-profit organizations may submit applications for a cooperative agreement to serve as a national resource to hemophilia treatment centers, patients and families.

(5) Special MCH improvement projects of regional and national significance (i.e., those which test or demonstrate the effectiveness of a given approach or technique) relevant to MCH care in three areas:

(a) Children with special health care needs: March 14, 1989;

The following categories of projects will be supported:

1. National projects to help develop statewide systems of family-centered, community-based and coordinated care.

2. State projects to help develop statewide systems of family-centered, community-based and coordinated care.

3. Projects which focus on specific new and emerging issues related to children with special health care needs and their families.

4. A cooperative agreement jointly sponsored by the Bureau of Maternal and Child Health and Resources Development (BMCHRD), the National Institute of Mental Health (NIMH), and the National Institute of Drug Abuse (NIDA) with a public or private non-profit organization to support a Federal, State and local network for children with special health care needs. This network will link health education, mental health, substance abuse and other human service agencies; establish a Child and Adolescent Service System Program (CASSP) Technical Assistance Center; provide technical assistance to States and programs for children and adolescents who are homeless or at risk of homelessness; develop expertise in addressing the needs of children and adolescents and their families whose exposure to HIV infection leaves them at-risk for physical/mental disabilities, chronic illness or emotional disturbance.

(b) Maternal and infant health: April 3, 1989;

(c) Child and adolescent health: March 21, 1989.

To receive consideration, applications must be sent to the Grants Management Officer at the address below, and must be received by the close of business on the dates indicated. Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for submission to the review committee. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Grant applications received after the deadline date will be returned.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to the Director, Office of Maternal and Child Health, BMCHRD, HRSA, Room 9-11, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Requests for grant application materials should be made in writing to the Grants Management Officer, Office of Support, BMCHRD, Room 11A-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. Requests should specify the grant category or categories for which an application is requested so that the appropriate materials may be provided. Applicants for research projects will use Form PHS 398, approved by the Office of Management and Budget (OMB) under control number 0925-0001. Applicants for training projects will use Form PHS 6025-1, approved by OMB under control number 0915-0060. Applicants for all other projects will use application Form PHS 5161-1 with revised facesheet DHHS Form 424, approved by OMB under control number 0348-0006.

SUPPLEMENTARY INFORMATION: Under section 502(a) of the Social Security Act, between 10 and 15 percent of the funds appropriated for Title V of the Act in each fiscal year are to be retained by the Secretary for the award of grants for the purposes specified above.

Historically, the Secretary has set aside the full 15 percent each year. Support for projects covered by this announcement will come from these funds. Consistent with the statutory purpose of improving maternal and child health, the Department will review applications for funds under the above mentioned categories as competing applications and will fund those which, in the Department's view, best promote improvements in maternal and child health care (for example, applications

which enhance efforts to reduce the unacceptably high rates of infant mortality, which increase the availability of and access to services for handicapped and chronically ill children and young adults, and which enhance the health and development of adolescents).

Eligible Applicants

The statute at section 502(a)(2) provides that training grants may be made only to public or nonprofit private institutions of higher learning and that research grants may be made only to public or nonprofit private agencies and organizations engaged in research in maternal and child health or programs for children with special health care needs. Any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450b), is eligible to apply for grants for genetic disease testing, counseling and information; hemophilia diagnostic and treatment centers; and SPRANS.

The regulation implementing the Federal set-aside program was published in the March 5, 1986 issue of the *Federal Register* at 51 FR 7726 (42 CFR Part 51a).

Review Criteria

Applications for grants will be reviewed and evaluated according to:

1. The quality of the project plan or methodology.
2. Documentation of the need for the training and technical assistance.
3. The cost-effectiveness of the proposed project relative to the number of persons proposed to be benefited, served or trained.
4. The extent to which the project will contribute to service system improvement for children and adolescents with special health needs and their families, including children with physical and/or mental disabilities, children with chronic illnesses, children with serious emotional disturbances, and children at risk for developing these or related disabilities as a result of homelessness or exposure to AIDS infection.
5. Extent to which project will serve all regions of the country including urban and rural settings and any special circumstances associated with providing training in various areas.
6. The effectiveness of procedures to collect the cost of care and services from third-party payment sources (including government agencies) which are authorized or under legal obligation to make such payment for any service (including diagnostic, preventive and treatment services).

7. The extent to which the project will be integrated with the administration of the Maternal and Child Health Services block grants and other block grants made to the appropriate State(s).

8. The soundness of the project's management, considering the qualifications of the staff of the proposed project and the applicant's facilities and resources.

Executive Order 12372

The MCH Federal set-aside program has been determined to be a program which is not subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs. The OMB Catalog of Federal Domestic Assistance number is 13.110.

Date: December 14, 1988.

John H. Kelso,

Acting Administrator.

[FR Doc. 88-29188 Filed 12-19-88; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Georgia Offshore Minerals Assessment

AGENCY: Minerals Management Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The purpose of this Request for Comments (Request) is to obtain data and information and to solicit public comment on an assessment of mineral resources located in Federal waters offshore Georgia.

DATES: Written comments must be hand-delivered or postmarked on or before March 20, 1989.

ADDRESSES: Respondents are requested to submit all comments, opinions, data, and information to Dr. William McLemore, State Geologist, Georgia Geologic Survey, 19 Martin Luther King, Jr. Drive, SW., Atlanta, Georgia 30334. A copy of the assessment entitled *Georgia Offshore Minerals Assessment* may be obtained from Dr. McLemore at the above address or requested by telephoning (404) 656-3214.

FOR FURTHER INFORMATION CONTACT: Mr. Don Hill, Office of Strategic and International Minerals, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180. Telephone (703) 285-2220.

SUPPLEMENTARY INFORMATION: The comments, opinions, data and informational submittals received from all sources will be reviewed and analyzed by the Federal/State of

Georgia Task Force supervising the assessment.

Background Information

Subsequent to a formal exchange of letters between Governor Joe Frank Harris and Secretary of the Interior Donald P. Hodel in mid 1986, a joint cooperative agreement was signed establishing a Federal/State of Georgia Task Force. The Task Force was directed to study deposits of potential mineral resources, including heavy mineral placers and phosphorites located in Federal waters off the coast of Georgia.

In April 1987, the Task Force developed a proposal to assess potentially economic mineral resources from the Outer Continental Shelf (OCS) offshore Georgia. A contract to conduct an assessment of mineral resources was awarded by the Department of Natural Resources, State of Georgia, in August 1987.

In August 1988, the contractor, Zellars-Williams Company, division of Jacobs Engineering Group Inc., presented its findings and conclusions to the Task Force in a single volume entitled *Georgia Offshore Minerals Assessment (GOMA)*. After review, analysis, and discussion of the assessment by the Task Force at meetings held in Atlanta, Georgia, on September 15, 1988 it was agreed to solicit comment from firms, organizations, public groups, and any individuals who may wish to comment on the GOMA and on potential marine minerals development offshore Georgia.

It is noted that during the present phase of data gathering there is no State or Federal action to lease, or offer for public lease sale, any nonenergy marine minerals in any offshore area contiguous to Georgia. Further, there are no present plans to prepare any Environmental Impact Statement or other environmental evaluation on this area. The current Request comprises only data gathering and solicitation of comment related to the assessment.

As cited in the GOMA, that study and current data gathering tasks are being conducted in order to assist the State of Georgia and the Department of the Interior in reaching an informed decision regarding whether to proceed with other activities related to mining marine minerals on the OCS. (43 U.S.C. 1331 *et seq.*)

Guidelines

Comments, opinions, data, and any supporting information are requested.

General

1. Are there any other sources of data or information—published or unpublished—related to potential mineral resources offshore Georgia overlooked in this assessment (see GOMA section 2.2)?

2. Please express your opinion regarding the usefulness of the results of this preliminary resource assessment given the cited limitations of the data.

3. Please provide opinions regarding the assessment conclusions about the location of possible phosphate and heavy mineral deposits and the selection of specific study areas for determining the economic feasibility of development.

Specific

1. Please express your opinion on the market evaluation used in the GOMA.

2. Please express your opinion on the current United States phosphate and/or heavy mineral supply, and your opinion on current phosphate and/or heavy mineral supplies imported into the United States and the effect of these imports on the United States economy. Also, please provide your opinion on demand for phosphate and/or heavy minerals within the United States both now and within the coming 5- to 10-year period.

3. In the GOMA, certain economic assumptions were made concerning the future feasibility of mining offshore phosphate and heavy mineral deposits. Please express your opinion on the GOMA assumptions used regarding operating factors, development design criteria and economic conditions if one were to assume that sufficient mineral resources exist for a substantial reserve offshore. If you believe these assumptions are unrealistic or too optimistic, please give your opinion on future 5- and 10-year phosphate rock and heavy mineral prices, estimated date(s) for startup of operations, and necessary rates of return that would be required.

4. The GOMA stated that one assumption necessary for the analysis was that the sand and clay wastes generated from the mining and beneficiation of the phosphate and heavy minerals could be disposed of at sea, or alternatively at a landsite. Please express your opinion on the technological, economic, and environmental feasibility of both ocean and landsite disposal of sand and clay wastes after mining and beneficiation.

5. Please provide information on the rates of return industry would be using to assess the economic potential of

ventures such as described in this study for phosphates or heavy mineral production. Describe the expected rates of return for a project ("hurdle rates") which firms would require to justify proceeding with offshore minerals development as described in this assessment; and under what conditions these hurdle rates could change.

6. Please provide any additional information which you feel should be taken into account by the Task Force, including (but not limited to):

a. Current and projected phosphate and/or heavy mineral resource market data;

b. Current and projected technology available for phosphate and/or heavy mineral extraction, either offshore or onshore;

c. Specific geological, environmental, biological, and/or socioeconomic conditions which may affect (either positively or adversely) marine mineral extraction offshore Georgia; and

d. The financial analysis methodology used in the GOMA to evaluate the development potential; and the selected sensitivity analyses.

Future

1. Provide any suggestions for future study and work in this area of offshore hard minerals development.

2. Provide descriptions of institutional constraints or barriers which may serve to prevent the development of offshore minerals in this area.

Date: December 13, 1988.

Thomas Gernhofer,

Acting Director, Minerals Management Service.

[FR Doc. 88-29201 Filed 12-19-88; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 10, 1988. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC

20013-7127. Written comments should be submitted by January 4, 1989.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Lowndes County

Williamson, James Spullock, House, AL 31, Sandy Ridge, 88003123

CONNECTICUT

Hartford County

Andrews, Luman, House (Colonial Houses of Southington TR), 489 Andrews St., Southington, 88003095

Barnes, Selah, House (Colonial Houses of Southington TR), 282 Prospect St., Southington, 88003114

Barnes—Frost House (Colonial Houses of Southington TR), 1177 Marion Ave., Southington, 88003109

Bradley, Icabod, House (Colonial Houses of Southington TR), 537 Shuttle Meadow Rd., Southington, 88003115

Clark, Avery, House (Colonial Houses of Southington TR), 1460 Meriden Ave., Southington, 88003110

Cowles, Capt. Josiah, House (Colonial Houses of Southington TR), 184 Marion Ave., Southington, 88003102

Evans, Ebenezer, House (Colonial Houses of Southington TR), 17 Long Bottom Rd., Southington, 88003101

Grannis, Stephen, House (Colonial Houses of Southington TR), 1193 West St., Southington, 88003119

Hart, Timothy, House (Colonial Houses of Southington TR), 521 Flanders Rd., Southington, 88003100

House at 1010 Shuttle Meadow Rd. (Colonial Houses of Southington TR), 1010 Shuttle Meadow Rd., Southington, 88003116

House at 590 West St. (Colonial Houses of Southington TR), 590 West St., Southington, 88003118

Porter, Dr. J., House (Colonial Houses of Southington TR), 391 Bellevue Ave., Southington, 88003096

Root, Jonathan, House (Colonial Houses of Southington TR), 140-142 N. Main St., Southington, 88003113

Skelton, Dr. Henry, House (Colonial Houses of Southington TR), 889 S. Main St., Southington, 88003117

Wightman, Rev. John, House (Colonial Houses of Southington TR), 1024 Mount Vernon Rd., Southington, 88003111

Wightman, Valentine, House (Colonial Houses of Southington TR), 1112 Mount Vernon Rd., Southington, 88003112

Woodruff House (Colonial Houses of Southington TR), 377 Berlin St., Southington, 88003097

Woodruff, Ezekiel, House (Colonial Houses of Southington TR), 1152 East St., Southington, 88003099

Woodruff, Jothan, House (Colonial Houses of Southington TR), 137-139 Woodruff St., Southington, 88003120

Woodruff, Urbana, House (Colonial Houses of Southington TR), 1096 East St., Southington, 88003098

New London County

American Thermos Bottle Company Laurel Hill Plant, 11 Thermos Ave., Norwich, 88003091

KANSAS

Ford County

Immaculate Heart of Mary Catholic Church, SE of Spearville, Windthorst, 88003087

MASSACHUSETTS

Berkshire County

North Egremont Historic District, Roughly bounded by Shun Toll Rd., Rt. 71, Hillsdale Rd., and Mill Rd., Egremont, 88003126

Bristol County

Northbound and Southbound Stations, 1 and 3 Mill St., Attleboro, 88003128

Norfolk County

McIntosh Corner Historic District, Roughly Great Plain and Central Aves., Needham, 88003127

MINNESOTA

Chisago County

Archeological Site No. 21CH23, Address Restricted, Taylors Falls vicinity, 88003129

Lake County

Tettegouche Camp Historic District, Off County Hwy. 4, Silver Bay vicinity, 88003084

St. Louis County

Archeological Site No. 21SL73, Address Restricted, International Falls vicinity, 88003130

Sibley County

Church of St. Thomas, County Hwys. 6 and 9, Henderson vicinity, 88003085

Stearns County

Minnesota Home School for Girls Historic District, Off MN 302, Sauk Centre, 88003090

Wabasha County

Bear Valley Grange Hall, Co. Hwy. 3, Zumbro Falls vicinity, 88003089
Swedish Evangelical Lutheran Church, Bridge St., Millville, 88003086

MISSISSIPPI

Warren County

Main Street Historic District (Boundary Increase), Roughly bounded by Adams St., Main St., Cherry St., and First East St., Vicksburg, 88003088

OHIO

Auglaize County

Napakoneta Commercial Historic District, Roughly bounded by Auglaize, Park, Main, and Blackhoof Sts., Wapakoneta, 88003131

VERMONT

Addison County

Monkton Borough Baptist Church, Town Hwy. 1, Monkton, 88003121

[FR Doc. 88-29198 Filed 12-19-88; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31373]

CSX Transportation, Inc., Renewal of Lease Exemption, Strouds Creek and Muddlety Railroad Co.

CSX Transportation, Inc. (CSXT) has leased and operated the properties of Strouds Creek and Muddlety Railroad Company (Strouds Creek) consisting of 20.58 miles of railroad line from Allingdale to Summersville, WV, by virtue of a 1943 lease, and amended in 1973. The lease is due to expire on March 31, 1989. The parties have agreed to renew and extend the lease for an additional term of 15 years to commence April 1, 1989.

This notice is filed under 49 CFR 1180.2(d)(4), which exempts renewal of leases and any other matters where the Commission has previously authorized the transactions and only an extension in time is involved. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption any employees affected by the lease transaction will be protected pursuant to *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980).

Dated: December 14, 1988.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-29168 Filed 12-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 31X)]

Central of Georgia Railroad Co.; Abandonment Exemption Between Krannert Junction and Lysterly, GA

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 15.2-mile line of railroad between milepost C-382.0 at Krannert Junction, GA, and milepost C-397.2 at Lysterly, GA.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant

within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective January 20, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by January 3, 1989.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by January 13, 1989 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Virginia K. Young, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by December 27, 1988. Interested persons may obtain a copy of the EA from SEE by writing to it (Room

¹ A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 4 I.C.C.2d 400 (1988). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this decision.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the *Federal Register* on December 22, 1987 (52 FedReg 48440-48446).

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7318. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: December 13, 1988.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-29165 Filed 12-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 30X)]

Central of Georgia Railroad Co.; Abandonment Exemption Between Covington and Porterdale, GA

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its E-80.7 at Covington, GA and milepost E-83.5, at Porterdale, GA.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on January 20, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹

¹ A stay will be routinely issued by the Commission in those proceedings where an

Continued

formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by January 3, 1989.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by January 10, 1989 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Virginia K. Young, Norfolk Southern Corporation, One Commerce Place, Norfolk, VA.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by December 26, 1988. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: December 13, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 88-29166 Filed 12-19-88; 8:45 am]

BILLING CODE 7035-01-M

informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 4 I.C.C. 2d 400 (1988). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987), and final rules published in the *Federal Register* on December 22, 1987 (52 FR 48440-48446).

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

[Docket No. AB-43 (Sub-No. 150X)]

**Illinois Central Railroad Co.;
Abandonment Exemption in Franklin
and Williamson Counties, IL**

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 7.88-mile line of railroad between Christopher, IL (milepost 82.00) and the Franklin-Williamson County, IL line (milepost 89.88), along with approximately 8.5 miles of side track (mine lead), located in Franklin and Williamson Counties, IL.

Applicant has certified that: (1) No local overhead traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective January 21, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail

¹ A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 4 I.C.C. 2d 400 (1988). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987), and final rules published in the *Federal Register* on December 22, 1987 (52 FR 48440-48446).

banking statements under 49 CFR 1152.29 must be filed by January 3, 1989.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by January 11, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: John H. Doeringer, 20180 Governors Highway, Olympia Fields, IL 60461.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, resulting from this abandonment. The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by December 27, 1988. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 13, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 88-29167 Filed 12-19-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE (DOJ)

Information Collection(s) Under Review

December 15, 1988.

The Office of Management and Budget (OMB) has been sent the following proposals for the collection of information for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories. Each entry contains the following information: (1) The title of the form or collection; (2) the agency form number, if any, and the applicable component of the Department sponsoring the collection; (3) how often the form must be filled out or the

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

information is collected; (4) who will be asked or required to respond, as well as a brief abstract; (5) an estimate of the total number of respondents and the amount of time estimated for an average respondent to respond; (6) an estimate of the total public burden (in hours) associated with the collection; and, (7) an indication as to whether section 3504(h) of Pub. L. 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially those regarding the estimated response time, should be directed to the OMB reviewer, Mr. Sam Fairchild, on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Larry E. Miesse, on (202) 633-4312. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should so notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Larry E. Miesse, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Revision of a Currently Approved Collection

(1) 1988 Probation Data Survey and 1988 Parole Data Survey.

(2) CJ-7 (Parole), CJ-8 (Probation); Bureau of Justice Statistics, Department of Justice.

(3) Annually.

(4) State or local governments, Federal agencies or employees. Summary data on the probation and parole populations are collected from State, local and Federal agencies and are used by officials, administrators, and researchers to evaluate current conditions and trends nationwide.

(5) 328 respondents at 1.3 hours per response.

(6) 424 estimated annual burden hours.

(7) Not applicable under section 3504(h).

New Collections

(1) Judicial Recommendations Against Deportation; Controlled Substance Violations.

(2) None; Immigration and Naturalization Service (INS), Department of Justice.

(3) On occasion.

(4) Individuals or households. Receipt of a judicial recommendation against deportation (JRAD) aids the INS in

ascertaining if an alien is deportable. When a JRAD is granted, the crime may not be used as a basis for deportation. Affected will be aliens convicted of crimes involving moral turpitude making motions per 8 U.S.C. 1251(b)(2).

(5) 3,000 respondents at .25 hours per response.

(6) 750 estimated annual public burden hours.

(7) Not applicable under section 3504(h).

(1) National Judicial Reporting Program, Felony Sentence Report.

(2) NJRP-1; Bureau of Justice Statistics (BJS), Department of Justice.

(3) Biennially.

(4) State or local governments. Used to conduct a continuing survey to enumerate and describe sentences of adult felons in general jurisdiction courts. Respondents are personnel in state and local general jurisdiction courts selected for the sample.

(5) 165,000 respondents at .02 hours each.

(6) 3,690 estimated annual public burden hours.

(7) Not applicable under section 3504(h).

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) Application for advance permission to return to unrelinquished domicile.

(2) I-191; Immigration and Naturalization Service, Department of Justice.

(3) On occasion.

(4) Individuals or households. Information is used by INS to determine whether applicant is eligible for status under section 212(c) of the Immigration and Nationality Act.

(5) 300 respondents at .25 hours each.

(6) 75 estimated annual public burden hours.

(7) Not applicable under section 3504(h).

(1) Application for waiver of passport and/or visa.

(2) I-193; Immigration and Naturalization Service, Department of Justice.

(3) On occasion.

(4) Individuals or households. Information is needed to determine whether an applicant is eligible for entry into the United States under 8 CFR 212.1(g) and 211.1(b)(3).

(5) 25,000 respondents at .166 hours each.

(6) 4,150 estimated annual burden hours.

(7) Not applicable under section 3504(h).

Larry E. Miesse,

Department Clearance Officer, Department of Justice.

[FR Doc. 88-29175 Filed 12-19-88; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285]

Omaha Public Power District, Fort Calhoun Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to Omaha Public Power District (the licensee) for the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from certain requirements of Section III.0 of Appendix R to 10 CFR Part 50, which relate to the provision for the oil collection system for the reactor coolant pumps (RCPs). The exemption is technical since the licensee must demonstrate that the oil collection configuration meets the specific requirements of section III.0 or that an alternative configuration can be justified by an acceptable analysis.

The Need for Proposed Action

The proposed exemption is needed because the existing oil collection system at the plant described in the licensee's exemption request was not designed to hold the oil inventory from all four of the reactor coolant pumps.

Environmental Impacts of the Proposed Action

The proposed exemption will provide a sufficient degree of fire protection such that there is no increase in the risk of fire at Fort Calhoun Station. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves systems located entirely within the restricted area, as defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Operation of the Fort Calhoun Unit 1", dated August 1972.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated November 28, 1988, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the W. Dale Clark Library, 215 South 15th Street, Omaha, NE 68102.

Dated at Rockville, Maryland, this 13th day of December 1988.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-29186 Filed 12-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

Gulf States Utilities Company; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. NPF-47, issued to Gulf States Utilities Company (the licensee), which revised the Technical Specifications for operation of the River Bend Station, Unit 1 located in West Feliciana Parish, Louisiana.

The amendment was effective as of the date of its issuance.

The amendment revised the Technical Specifications to reduce the minimum water coverage above a spent fuel assembly in the storage pool and above an irradiated control rod during spent fuel and irradiated control rod handling. The reduced minimum water coverage for irradiated control rods also permits placing these rods on hangers provided for their storage in the fuel building pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Notice of Consideration of Issuance of Amendment was published in the *Federal Register* on August 25, 1988 (53 FR 32484) and a correction was published in the *Federal Register* on October 24, 1988 (53 FR 41634). No request for a hearing or petition for leave to intervene was filed following the notices.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action, see: (1) The application for amendment dated August 12, 1988; (2) Amendment No. 32 to Facility Operating License No. NPF-47; and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555; at Government Documents Department, Louisiana State University, Baton Rouge, Louisiana

70803. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Rockville, Maryland this 13th day of December, 1988.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-29185 Filed 12-19-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Metropolitan Statistical Areas

AGENCY: Statistical Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

ACTION: Notice of intent to revise the standards used to define metropolitan statistical areas.

SUMMARY: Metropolitan Statistical Areas (MSAs) are defined for statistical purposes by OMB, following specific standards, under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504). MSAs are used by Federal agencies for collecting, tabulating, and publishing data by geographic areas. The last major revision of the MSA standards was issued in 1980. The standards now need review for possible updating. Revised standards will be issued before April 1, 1990.

DATE: This notice explains the MSA standards revision process and requests proposals for specific changes in the standards. The existing MSA standards, published in this notice, are the basis for the proposed revisions for the 1990s. In evaluating the proposed MSA standards emphasis will be given to the need for continuity and consistency of statistical series.

DATES: Comments must be received on or before February 21, 1989.

ADDRESS: Comments should be submitted to the Statistical Policy Office, Office of Information and Regulatory Affairs, New Executive Office Building, Room 3228, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Maria E. Gonzalez, Statistical Policy Office, Office of Information and Regulatory Affairs, New Executive

Office Building, Room 3228, Office of Management and Budget, Washington, DC 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Part I. Background

The present MSA standards were published in the *Federal Register* on January 3, 1980, after two rounds of review and public comment. After the 1980 census data became available the MSA definitions were updated, with revised definitions issued in June 1983. The MSA standards will be updated before the 1990 census; the next redefinition of MSA boundaries will be issued after the 1990 census data become available.

Shortly before the 1950 census, a decision was made to define a set of "standard metropolitan areas" (SMAs) for presenting Federal statistics. The Bureau of the Budget (later named the Office of Management and Budget) was assigned to task of defining the SMAs, acting with the advice of an interagency committee.

From their inception, the official SMAs (renamed standard metropolitan statistical areas (SMSAs) in 1959, and metropolitan statistical areas (MSAs) in 1983), were defined according to specific published standards. Changes in the official standards have been announced at the time of each census since 1950. Similarly, OMB intends to issue revised MSA standards before the 1990 census.

Part II. The Current Standards

The present MSA standards are published in Part IX of this Notice. However, section 9 and section 15 incorporate certain specific steps that previously appeared in the Procedures supplement to the standards. Federal agencies and the public are asked to review these standards and comment on any aspect they would like to change within 60 days of publication of this Notice.

Part III. Purpose and Scope of Review

The MSA standards are reviewed and revised every 10 years to reflect the evolving distribution of metropolitan population in the country as documented in the decennial census. The review and revision of the MSA standards are the responsibility of the Statistical Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget, which has developed this classification with the advice of the interagency Federal Committee on Metropolitan Statistical Areas. Committee members include the following agencies: Office of Management and Budget, Bureau of the Census (Commerce), Bureau of

Economic Analysis (Commerce), Bureau of Labor Statistics (Labor), Economic Research Service (USDA), Department of Housing and Urban Development, Health Care Financing Administration (HHS), National Center for Health Statistics (HHS), Federal Highway Administration (DOT), Federal Communications Commission, Equal Employment Opportunity Commission, and Federal Reserve Board.

Any proposals for revisions received within 60 days of issuance of this Notice will be reviewed by the interagency Federal Committee on MSAs. This Committee will make recommendations to OMB on the standards. Final decisions on the MSA standards will be made by OMB and will be published in the *Federal Register* before April 1, 1990.

Part IV. Guidelines for Reviewing Proposed Changes in the Standards

The Federal Committee on Metropolitan Statistical Areas will review all proposed changes in the standards. The evaluation of the standards will emphasize maintaining the historical consistency of the metropolitan area concept as presented in the standards over the past 40 years.

The central counties of each metropolitan statistical area are generally identified by using the boundaries of Census Bureau-defined urbanized areas. To qualify outlying counties as parts of a metropolitan statistical area, the standards include a number of specific thresholds of percentage commuting to the central counties, population density, percentage urban, and similar measures. These thresholds will be reviewed to ensure that qualifying counties are metropolitan in character.

Central cities of MSAs are also identified based on statistical measures, and their names are then used in determining the title for the MSA. The specific measures used will be reviewed to ensure they are appropriate.

A metropolitan statistical area of more than 1 million population is eligible to be designated a consolidated metropolitan statistical area (CMSA) if at least two primary metropolitan statistical areas (PMSAs) qualify. A PMSA is defined using certain statistical thresholds, and local opinion, as expressed through the congressional delegation for the area, must strongly support its recognition. The statistical thresholds will be reviewed to ensure that they are appropriate for defining PMSAs. The standards include guidance on titling CMSAs and PMSAs; local opinion is a factor in making the final titling decision for these areas.

Part V. Uses of Metropolitan Statistical Area Data

All agencies that collect and publish data for MSAs should use the most recent definitions established by OMB.

OMB establishes and maintains the definitions of metropolitan statistical areas solely for statistical purposes. In periodically reviewing and revising the MSA definitions, OMB does not take into account or attempt to anticipate any nonstatistical uses that may be made of the definitions, nor will OMB modify the definitions to meet the requirements of any nonstatistical program.

Therefore, if an agency uses the MSA definitions in a nonstatistical program, it is the agency's responsibility to ensure that the definitions are appropriate for such use. In cases where an agency is publishing for comment a proposed regulation that would use the MSA definitions for nonstatistical purpose, the agency should seek public comment on the proposed use of the MSA definitions. Agencies that use the MSA definitions in a nonstatistical program are urged to consider appropriate modifications of the MSA definitions, exclusively for the purposes of that program. However, all such modifications should be clearly identified to avoid confusion with the OMB standard statistical definitions of Metropolitan Statistical Areas.

Part VI. Proposals

Proposals for changes in the standards made by either private organizations or government agencies must be in writing and should include the following:

- (1) Specific details about the variables to be used and how they should be used in defining MSAs.
- (2) As complete as possible a discussion of how the proposed change is expected to affect the existing definitions of MSAs.
- (3) Data proposed for use in the standards should be available for all counties of the United States from a governmental source. The frequency of release and accuracy of the data should be discussed.

Part VII. Time Schedule

All proposed amendments to the standards used to define MSAs should be submitted to the Statistical Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, as soon as possible, but no later than 60 days from the issuance of this Notice. The revised standards will become effective by April 1, 1990.

Part VIII. Public Review Procedure

The standards used at present to define MSAs are given in Part IX. OMB requests comments on any section of the standards, but is particularly interested in comments on:

- Section 8A(2)
- Section 9B
- Section 9C
- Appendix definition of "Percentages, Densities, and Ratios"

The proposed revised standards for the MSA definitions in the 1990s will be published in the *Federal Register* for review and comment prior to final action by the Office of Management and Budget. Those making proposals will be notified directly of actions taken by the Federal Committee on MSAs; others will be advised through the *Federal Register*.

Part IX. Official Standards Followed in Establishing Metropolitan Statistical Areas (*Federal Register*, January 3, 1980, pp. 959-963)

Basic Standards

Sections 1 through 8 apply to all States except the six New England States. They also apply to Puerto Rico.¹

Section 1. Populations Size Requirements for Qualification

A. Each metropolitan statistical area must include a city which, with contiguous, densely settled territory, constitutes a Census Bureau-defined urbanized area with at least 50,000 population.²

B. If a metropolitan statistical area's largest city has less than 50,000 population, the area must have a total population of at least 100,000.³

Section 2. Central Counties

A county is designated as a central county of the metropolitan statistical area if:

- A. At least 50 percent of its population lives in the urbanized area that resulted in qualification under Section 1A; or
- B. At least 2,500 of its population lives in a central city of the metropolitan statistical area.⁴

¹ Those provisions of Sections 1 through 8 which are applicable to New England are specified in the standards relating to New England (sections 12 through 16).

² A metropolitan statistical area designated according to standards in effect at the time of designation will not be disqualified on the basis of lacking an urbanized area of at least 50,000 population.

³ A metropolitan statistical area designated on the basis of census data according to standards in effect at the time of designation will not be disqualified on the basis of lacking a total population of at least 100,000.

⁴ See Section 4 for the standards for identifying central cities.

Section 3. Outlying Counties

A. An outlying county is included in a metropolitan statistical area if any one of the four following conditions is met:

- (1) At least 50 percent of the employed workers residing in the county commute to the central county(ies) and the population density of the county is at least 25 per square mile.
- (2) From 40 to 50 percent of the employed workers commute to the central county(ies), and the population density is at least 35 persons per square mile.
- (3) From 25 to 40 percent of the employed workers commute to the central county(ies), the population density is at least 35 persons per square mile, and one of the following conditions also exists:

(a) Population density is at least 50 persons per square mile;

(b) At least 35 percent of the population is urban;

(c) At least 10 percent, or at least 5,000, of the population lives in the urbanized area that resulted in qualification under Section 1A.

(4) From 15 to 25 percent of the employed workers commute to the central county(ies);⁵ the population density is at least 50 persons per square mile, and any two of the following conditions also exist:

(a) Population density is at least 60 persons per square mile;

(b) At least 35 percent of the population is urban;

(c) Population growth between the last two decennial censuses is at least 20 percent;

(d) At least 10 percent, or at least 5,000, of the population lives in the urbanized area that resulted in qualification under Section 1A.

B. If a county qualifies on the basis of commuting to the central county(ies) of two different metropolitan statistical areas, it is assigned to the area to which commuting is greatest, unless the relevant commuting percentages are within 5 points of each other, in which case local opinion about the most appropriate assignment will be considered.

Section 4. Central Cities

Recognized as the central city(ies) of the metropolitan statistical area are:

⁵ Also accepted as meeting this commuting requirement are:

(a) The number of persons working in the county who live in the central county(ies) is equal to at least 15 percent of the number of employed workers living in the county; or

(b) The sum of the number of workers commuting to and from the central county(ies) is equal to at least 20 percent of the number of employed workers living in the county.

A. The city with the largest population in the metropolitan statistical area.

B. Each additional city with a population of at least 250,000 or with at least 100,000 persons working within its limits.

C. Each additional city with a population of at least 25,000, an employment/residence ratio of at least 0.75, and outcommuting of less than 60 percent of its resident employed workers.

D. Each city of 15,000 to 25,000 population which is at least one-third as large as the largest central city, has an employment/residence ratio of at least 0.75, and has outcommuting of less than 60 percent of its resident employed workers.

Section 5. Consolidating Adjacent Metropolitan Statistical Areas

Two adjacent metropolitan statistical areas defined by Sections 1 through 4 are consolidated as a single metropolitan statistical area provided all of the following conditions are met:

A. The commuting interchange between the two metropolitan statistical areas is equal to:

(1) At least 15 percent of the employed workers residing in the smaller metropolitan statistical area, or

(2) At least 10 percent of the employed workers residing in the smaller metropolitan statistical area, and

(a) The urbanized area of a central city of one metropolitan statistical area is contiguous with the urbanized area of a central city of the other metropolitan statistical area, or

(b) A central city in one metropolitan statistical area is included in the same urbanized area of a central city in the other metropolitan statistical area.

B. At least 60 percent of the population of each metropolitan statistical area is urban.

C. The total population is at least 1 million.

Section 6. Combining Adjacent Metropolitan Statistical Areas

Two adjacent metropolitan statistical areas defined by Sections 1 through 4 and not included in a consolidation by Section 5 will be combined as a single metropolitan statistical area if:

A. Their largest central cities are within 25 miles of one another, or their urbanized areas are contiguous; and

B. There is definite evidence that the two areas are closely integrated with each other economically and socially; and

C. Local opinion in both areas supports the combination.

Section 7. Levels

A. Each metropolitan statistical area defined by Sections 1 through 6 is categorized in one of the following levels based on total population:

Level A—Metropolitan statistical areas of 1 million or more.

Level B—Metropolitan statistical areas of 250,000 to 1 million.

Level C—Metropolitan statistical areas of 100,000 to 250,000.

Level D—Metropolitan statistical areas of less than 100,000.

B. Areas assigned to Levels B, C, or D are designated as metropolitan statistical areas. Areas assigned to Level A are not finally designated or titled until they have been reviewed under Sections 9 and 10.

Section 8. Titles of Metropolitan Statistical Areas

A. The title of a metropolitan statistical area assigned to Level B, C, and D includes the name of the largest central city, and up to two additional names:

(1) The name of each additional city with a population of at least 250,000 or with at least 100,000 persons working within its limits;

(2) The names of the additional cities qualified as central cities by Section 4, provided each is at least one-third as large as the largest central city;

(3) The name of the largest city of any separate area that qualified as a metropolitan statistical area under Sections 1 through 4, but was combined by Section 6 with the area being titled.

B. An area title that includes the names of more than one city begins with the name of the largest city and lists the other cities in order of their population according to the most recent national census.⁶

C. In addition to city names, the title contains the name of each State in which the metropolitan statistical area is located.

Standards for Primary and Consolidated Metropolitan Statistical Areas

Sections 9 through 11 apply to Level A metropolitan statistical areas outside New England.

Section 9. Qualifications as a Primary Metropolitan Statistical Area

Within a Level A metropolitan statistical area:

⁶ If a city qualifies as a central city under Section 4, and is included in an existing metropolitan statistical area title, it will not be resequenced or displaced from that title until both its population and the number of persons working within its limits are exceeded by those of another city qualifying for the area title.

A. Any county or group of counties that was recognized as a separate metropolitan statistical area on January 1, 1980, will be recognized as a primary metropolitan statistical area, unless local opinion does not support its continued separate recognition for statistical purposes.

B. Any additional county for which local opinion strongly supports separate recognition will be considered for identification as a primary metropolitan statistical area, provided a county is included which has:

- (1) At least 100,000 population;
- (2) At least 60 percent of its population urban; and
- (3) Less than 35 percent of its resident workers working outside the county.

C. A pair of contiguous counties for which local opinion strongly supports separate recognition also will be considered for identification as a primary metropolitan statistical area, provided:

- (1) Each county meets requirements (1) and (2) of Section 9B, and has less than 50 percent of its resident workers working outside the county;
- (2) The two counties have a commuting interchange of at least 20 percent; and
- (3) The pair of counties has less than 35 percent of its resident workers working outside the pair. (Note: A pair of counties may comprise three or more counties, and may include a county that also could qualify as a primary metropolitan statistical area under Section 9B.)

D. Each county in the interim Level A MSA, not included within a central core under Sections 9A through C, is assigned to the contiguous PMSA to whose central core commuting is greatest, provided this commuting is:

- (1) At least 15 percent of the county's resident workers;
- (2) At least 5 percentage points higher than the commuting flow to any other PMSA that exceeds 15 percent; and
- (3) Larger than the flow to the county containing the Level A MSA's largest city.

E. If a county has qualifying commuting ties to two or more PMSA central cores and the relevant values are within 5 percentage points of each other, local opinion is considered before the county is assigned to any PMSA.

F. The interim PMSA definitions resulting from these procedures (including possible alternative definitions where appropriate) are submitted to local opinion. Final definitions of PMSAs are made based on these standards, and a review of local opinion.

G. If any primary metropolitan statistical area or areas have been recognized under Sections 9A through F, the balance of the Level A metropolitan statistical area is also recognized as a primary metropolitan statistical area.⁷

Section 10. Levels and Titles of Primary Metropolitan Statistical Areas

A. Primary metropolitan statistical areas are categorized in one of four levels according to total population, following the standards of Section 7A.

B. Primary metropolitan statistical areas are titled in either of two ways:

- (1) Using the names of up to three cities in the primary metropolitan statistical area that have qualified as central cities of the Level A metropolitan statistical area under Section 4, following the standards of Section 8 for selection and sequencing; or
- (2) Using the names of up to three counties in the primary metropolitan statistical area, sequenced in order from largest to smallest population.

C. Local opinion on the most appropriate title will be considered.

Section 11. Designation and Titles of Consolidated Metropolitan Statistical Areas

A. Each Level A metropolitan statistical area in which primary metropolitan statistical areas have been defined by Section 9 is designated a consolidated metropolitan statistical area. A Level A metropolitan statistical area in which no primary metropolitan statistical areas have been defined is designated a metropolitan statistical area, and is titled according to Section 8.

B. Consolidated metropolitan statistical areas are titled according to the following guidelines. Local opinion is always sought before determining the title of a consolidated metropolitan statistical area.

- (1) The title of each area includes up to three names, the first of which is always the name of the largest central city in the area. A change in the first-named city in the title will not be made until both its population and the number of persons working within its limits are exceeded by those of another city in the consolidated area.
- (2) The preferred basis for determining the two remaining names is:

- (a) The first city (or county) name that appears in the title of the remaining

⁷ If Section 9G would result in the balance of the Level A metropolitan statistical area including a noncontiguous county, this county will be added to the contiguous primary metropolitan statistical area to which it has the greatest commuting.

primary metropolitan statistical area with the largest total population; and

(b) The first city (or county) name that appears in the title of the primary metropolitan statistical area with the next largest total population.

(3) A regional designation may be substituted for the second and/or third names in the title if there is strong local support and the proposed designation is unambiguous and suitable for inclusion in a national standard.

Standards for New England

In the six New England States, the cities and towns are administratively more important than the counties, and a wide range of data is compiled locally for these entities. Therefore, the cities and towns are the units used to define metropolitan statistical areas in these States. The New England standards are based primarily on population density and commuting. Sections 12 and 13 constitute the basic standards for New England metropolitan statistical areas. As a basis for measuring commuting, a central core is first defined for each New England urbanized area, corresponding to the central counties that are identified in the States outside New England.

Section 12. New England Central Cores

A central core is determined in each New England urbanized area through the definition of two zones.

A. Zone A comprises:

- (1) The largest city in the urbanized area.
- (2) Each other place in the urbanized area or in a contiguous urbanized area that qualifies as a central city under Section 4, provided at least 15 percent of its resident employed workers work in the largest city in the urbanized area.⁸
- (3) Each other city or town at least 50 percent of whose population lives in the urbanized area or a contiguous urbanized area, provided at least 15 percent of its resident employed workers work in the largest city in the urbanized area plus any additional central cities qualified by Section 12A(2).⁸

B. Zone B comprises each city or town which:

(1) Has at least 50 percent of its population living in the urbanized area or in a contiguous urbanized area; and

(2) Has at least 15 percent of its resident employed workers working in Zone A.

C. The central core comprises Zone A, Zone B, and any city or town that is physically surrounded by Zones A or B, except that cities or towns that are not contiguous with the main portion of the central core are not included.

D. If a city or town qualified under Sections 12A through C for more than one central core, it is assigned to the core to which commuting is greatest, unless the relevant commuting percentages are within 5 points of each other, in which case local opinion as to the most appropriate assignment will also be considered.

Section 13. Outlying Cities and Towns

A. A city or town contiguous to a central core as defined by section 12 is included in its metropolitan statistical area if:

- (1) It has a population density of at least 60 persons per square mile and at least 30 percent of its resident employed workers work in the central core; or
- (2) It has a population density of at least 100 persons per square mile and at least 15 percent of the employed workers living in the city or town work in the central core.⁹

B. If a city or town has the qualifying amount of commuting to two different central cores, it is assigned to the metropolitan statistical area to which commuting is greatest, unless the relevant commuting percentages are within 5 points of each other, in which case local opinion as to the most appropriate assignment will also be considered.

C. If a city or town has the qualifying level of commuting to a central core, but has greater commuting to a nonmetropolitan city or town, it will not be assigned to any metropolitan statistical area unless the relevant commuting percentages are within 5 points of each other, in which case local opinion as to the most appropriate assignment will also be considered.

Section 14. Applicability of Basic Standards to New England Metropolitan Statistical Areas

A. An area defined by Sections 12 and 13 qualifies as a metropolitan statistical area provided it contains a city of at least 50,000 population or has a total population of at least 75,000.¹⁰

B. The area's central cities are determined according to the standards of Section 4.

C. Two adjacent New England metropolitan statistical areas are consolidated as a single metropolitan statistical area provided the conditions of Section 5 are met. Section 6 is not applied in New England.

D. Each New England metropolitan statistical area defined by Sections 14A through C is categorized in one of the four levels specified in Section 7A. Areas assigned to Levels B, C, or D are designated as metropolitan statistical areas. Areas assigned to Level A are not finally designated until they have been reviewed under Section 15 and 16.

E. New England metropolitan statistical areas are titled according to the standards of Section 8.

Section 15. Qualification as a Primary Metropolitan Statistical Area

Within a Level A metropolitan statistical area in New England:

A. Any group of cities and towns that was recognized as a separate metropolitan statistical area on January 1, 1980, will be recognized as a primary metropolitan statistical area, unless local opinion does not support its continued separate recognition for statistical purposes.

B. Any additional group of cities and/or towns for which local opinion strongly supports separate recognition will be considered for identification as a primary metropolitan statistical area, provided:

- (1) The total population of the group is at least 75,000;
- (2) It includes at least one city with a population of 15,000 or more, an employment/residence ratio of at least 0.75, and outcommuting of less than 60 percent of its resident employed workers;
- (3) It contains a core of communities, each of which has at least 50 percent of its population living in the urbanized area, and which together have less than 40 percent of their resident workers commuting to jobs outside the core; and

⁸ Also accepted as meeting this commuting requirement are:

(a) The number of persons working in the subject city or town who live in the specified city or area is equal to at least 15 percent of the employed workers living in the subject city or town; or

(b) The sum of the number of workers commuting to and from the specified city or area is equal to at least 20 percent of the employed workers living in the subject city or town.

⁹ Also accepted as meeting this commuting requirement are:

(a) The number of persons working in the city or town who live in the central core is equal to at least 15 percent of the employed workers living in the city or town; or

(b) The sum of the number of workers commuting to and from the central core is equal to at least 20 percent of the employed workers living in the city or town.

¹⁰ A New England metropolitan statistical area designated on the basis of census data according to standards in effect at the time of designation will not be disqualified on the basis of lacking a total population of at least 75,000.

(4) Each community in the core also must have

(a) At least 5 percent of its resident workers working in the component core city identified in Section 15B(2), or at least 10 percent working in the component core city or in places already qualified for this core; this percentage also must be greater than that to any other core or to the largest city of the Level A MSA; and

(b) At least 20 percent commuting interchange with the component core city together with other cities and towns already qualified for the core; this interchange also must be greater than with any other core or with the largest city of the Level A MSA.

C. Contiguous component central cores may be merged as a single core provided:

(1) Section 15B would qualify the component core city of one core for inclusion in the other core; and

(2) There is substantial local support for treating the two as a single core.

D. Each city or town in the interim Level A MSA not included in a core under Section 15A through C is assigned to the contiguous PMSA to whose core its commuting is greatest, provided

(1) This commuting is at least 15 percent of the place's resident workers; and

(2) The commuting interchange with the core is greater than with the Level A MSA's largest city.

E. If a city or town has qualifying commuting ties to two or more cores and the relevant values are within 5 percentage points of each other, local opinion is considered before the place is assigned to any PMSA.

F. The interim PMSA definitions resulting from these procedures (including possible alternative definitions, where appropriate) are submitted to local opinion. Final definitions of PMSAs are made based on these standards, and a review of local opinion.

G. If any primary metropolitan statistical area of areas have been recognized under Section 15A through F, the balance of the Level A metropolitan statistical area is also recognized as a primary metropolitan statistical area.¹¹

Section 16. Levels and Titles of New England Primary and Consolidated Areas

A. New England primary metropolitan statistical areas are categorized in one

of four levels according to total population, following Section 7A.

B. New England primary metropolitan statistical areas are titled using the names of up to three cities in the primary area that have qualified as central cities under Section 4, following the standards of Section 8 for selection and sequencing.

C. Each Level A metropolitan statistical area in New England in which primary metropolitan statistical areas have been defined by Section 15 is designated a consolidated metropolitan statistical area. Titles of New England consolidated metropolitan statistical areas are determined following the standards of Section 11. A Level A metropolitan statistical area in which no primary metropolitan statistical areas have been defined is designated a metropolitan statistical area, and is titled according to the rules of Section 8.

Appendix—General Procedures and Definitions

This appendix specifies certain important guidelines regarding the data and procedures used in implementing the standards. It also gives definitions for "city," "urbanized area," and other key terms.

General Procedures

Percentages, Densities, and Ratios

These are computed to the nearest one-hundredth (two decimals), and comparisons between them are made on that basis.

Populations

In general, the population data required by the standards are taken from the most recent national census. However, in certain exceptional situations either (1) the results of a special census taken by the Bureau of the Census, or (2) a population estimate published by the Bureau of the Census and accepted for use in the distribution of Federal benefits may be used to meet the requirements of the standards.

Local Opinion

Where local opinion is called for in the standards, for example as an aid in determining primary or consolidated metropolitan statistical areas titles or in assigning counties or places that qualify for two different areas, it is always obtained through the appropriate congressional delegation. After a decision has been made on a particular matter, local opinion on the same question will not be requested again until after the next national census.

Review of Cutoffs and Values

The Federal Committee on Metropolitan Statistical Areas has developed the official standards and determined their various statistical cutoffs and values on the basis of an extensive examination of the current data for individual counties and cities. If data from 1980 or a subsequent national census show that shifts in national commuting patterns or other long-term trends have seriously altered the makeup of the group defined by a value now specified in the standards, the Federal Committee will review this value and determine whether any changes should be made before the standards are implemented.

Definitions of Key Terms

City—The term "city" includes:

(a) Any place incorporated under the laws of its State as a city, village, borough (except in Alaska), or town (except in the New England States, New York, and Wisconsin). These comprise the category of "incorporated places" recognized in census publications.

(b) In Hawaii, any place recognized as a census designated place by the Bureau of the Census in consultation with the State government; in Puerto Rico, any place recognized as a *zona urbana* or *aldea* by the Bureau of the Census in consultation with the Commonwealth government. (Hawaii and Puerto Rico do not have legally defined cities corresponding to those of most States.)

(c) Any township in Michigan, New Jersey, or Pennsylvania, and any town in the New England States, New York, or Wisconsin, that is recognized by the Bureau of the Census as a census designated place. Under Census guidelines, such as town or township must not contain any part of a dependent incorporated place and must have a population density of at least 1,000 persons per square mile over essentially all its territory.

Urbanized Area—An area defined by the Bureau of the Census according to specific criteria, designed to include the entire densely settled area around each large city. An urbanized area must have a total population of at least 50,000. The urbanized area criteria define a boundary based primarily on a population density of at least 1,000 persons per square mile, but also include some less densely settled areas within corporate limits, and such areas as industrial parks, railroad yards, golf courses, and so forth, if they are adjacent to dense urban development.

Contiguous Urbanized Areas—They are those urbanized areas with a

¹¹ If Section 15G results in the balance of the Level A metropolitan statistical area including a noncontiguous city or town, this place will be added to the contiguous primary metropolitan statistical area to which it has the greatest commuting.

common boundary of at least 1 mile on land or following a waterway crossed by a bridge.

Urban—The Bureau of the Census classifies as urban:

(a) The population living in urbanized areas; plus

(b) The population in other incorporated or census designated places of at least 2,500 population at the most recent national census.

County—For purposes of the standards, the term "county" includes county equivalents, such as parishes in Louisiana and boroughs and census areas (formerly census divisions) in Alaska. Certain States contain cities that are independent of any county; such independent cities in Georgia, Maryland, Missouri, and Nevada are treated as county equivalents for purposes of the standards.

In Virginia, where most places of more than 15,000 are independent, the standards usually regard each such city as included in the county from which it was originally formed, or primarily formed. In certain exceptional cases, the city itself is treated as a county equivalent, as follows:

(a) An independent city that has absorbed its parent county (Chesapeake, Hampton, Newport News, Suffolk, Virginia Beach);

(b) An independent city associated with an urbanized area other than the one with which its parent county is primarily associated (for example, Colonial Heights); and

(c) An independent city that is contiguous with a county in addition to its parent county, if including it with its parent county would result including it in a metropolitan statistical area with which it would otherwise not be included.

A county included in a metropolitan statistical area is either a *central* (Section 2), or an *outlying* (Section 3) county. An outlying county must be contiguous with a central county or with an outlying county that has already qualified for inclusion.

Employment/Residence Ratio—This ratio is computed by dividing the number of persons working in the city by the number of resident workers with place of work reported. (Both these data items are taken from the most recent national census.) For example, a city with an equal number of jobs and working residents has an employment/residence ratio of 1.00.

Outcommuting—The number (or percent) of workers living in a specified area, such as a city or a county, whose place of work is located outside that area.

Commuting Interchange—The commuting interchange between two areas is the sum of the number of workers who live in either of the areas but work in the other.

Jay Plager,

Administrator, Office of Information and Regulatory Affairs.

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-26355; File No. SR-Amex-88-10, Amendment No. 3]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc., Relating to Equity Index Participations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 28, 1988, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex is amending its proposed rule change relating to Equity Index Participations based on the S&P 500 Index and the Major Market Index to provide specific procedures under proposed Rule 912F relating to physical delivery facilitators.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Amex has proposed specific rules applicable to two Equity Index Participation ("EIP") securities based on the Major Market Index ("MMI") and the S&P 500 Index. (See Securities Exchange Act Release No. 25664, May 5, 1988; Securities Exchange Act Release No. 25942, July 25, 1988 (Amendment No. 1); Securities Exchange Act Release No. 26243, November 2, 1988 (Amendment No. 2)).

In Amendment No. 2, the Amex proposed rules that would permit EIP holders to receive physical delivery of shares of the component stocks of the S&P 500 or MMI upon exercise of a specified minimum number of EIPs. Pursuant to proposed Rule 912F, an Exchange-designated "physical delivery facilitator", who may be the specialist for a specific class of EIPs, would assume responsibility for making physical delivery of shares to EIP holders if the number of delivery units for which holders have requested physical delivery exceeds the number of units made available by persons with short positions.

The Exchange is amending its filing to supplement the description of facilitator activities in Amendment No. 2 to add specific procedures to be followed by the facilitator in the event that he is required to make physical delivery under Rule 912F. The procedures clarify that the facilitator can deliver to holders only shares purchased at the opening on Exercise Friday. Thus, the procedures specify that, in making physical delivery under Rule 912F, following reporting by the Exchange of an imbalance in the number of delivery units for which holders have requested delivery over units offered by short positions, the facilitator will enter market orders in each component stock for execution at the opening on Exercise Friday sufficient to satisfy the imbalance. The facilitator will deliver such shares in accordance with rules of the Exchange and the Options Clearing Corporation.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)5 in particular in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to facilitate transactions in securities, to remove impediments to and perfect the

mechanism of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Amex consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number in the caption above and should be submitted by January 10, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: December 13, 1988.

Exhibit A—Procedures for Physical Delivery of EIP Units Upon Exercise

1. The Exchange will announce with regard to the S&P 500 Index and the Major Market Index ("MMI") the number of shares of each component stock required to be delivered in satisfaction of an exercise of the delivery privilege, after the close of the market on the Exchange business day preceding the third Friday of March, June, September, and December ("Exercise Friday"). The number of shares of each stock to be delivered will be rounded down to the nearest whole share.

2. S&P 500 component stocks requiring delivery of fewer than ten shares will be settled for cash. Partial shares of S&P 500 or MMI stocks remaining after rounding down of shares also will be settled for cash. In addition, any stock, including those which would require delivery of less than 10 shares, failing to open on Exercise Friday will be settled for cash. The prices of all such shares to be settled for cash will be determined in the same manner as the prices used for determining the liquidating index value of EIPs that are exercised for cash.

3. After the close on the business day preceding Exercise Friday and prior to the opening of trading on Exercise Friday, the Options Clearing Corporation ("OCC") will notify the Exchange of the number of EIP delivery units for which EIP holders have submitted notice of exercise of the delivery privilege in accordance with rules of the OCC and the Exchange, and the number of delivery units offered for physical delivery by persons having short EIP positions and who have provided timely notice of the desire to make physical delivery, if assigned.

If the number of EIP delivery units offered for physical delivery by persons having short positions is less than the number of delivery units for which holders have requested physical delivery, the Exchange shall cause to be publicly reported, at or prior to 9:00 A.M. on Exercise Friday, the amount of any such imbalance.

4. To the extent of any imbalance of delivery units for which physical delivery has been requested by EIP holders over units offered for delivery, the facilitator shall enter market orders in each component stock, for execution at the opening on Exercise Friday, sufficient to satisfy imbalances, and shall make delivery of such shares in accordance with OCC and Exchange Rules.

[FR Doc. 88-29193 Filed 12-19-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26357; File No. SR-BSE-88-4]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Filing and Order Granting Temporary Accelerated Approval to Proposed Rule Change Relating to Market Circuit Breaker Proposal

Pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that, on November 21, 1988, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Substance of the Proposed Rule Change

The proposed rule change adds the following new rule that will be effective for a pilot period ending on October 31, 1989.¹ The text of the rule change is as follows:

Trading Halts Due to Extraordinary Market Volatility

If the Dow Jones Industrial Average SM² reaches a value 250 or more points below its closing value on the previous trading day, trading in stocks shall halt on the Exchange and may not reopen for one hour. If, on the same day, the average subsequently reaches a value 400 or more points below that closing value, trading in stocks shall halt on the Exchange and may not reopen for two hours.

*** * * Supplementary Material:**

.10 The restrictions in this Rule shall apply whenever the Dow Jones

¹ The BSE originally stated that the rule would not become effective until all other U.S. stock and options exchanges, the National Association of Securities Dealers, and U.S. futures exchanges that trade futures contracts on stock indexes and options on such futures contracts adopted corresponding rules. The BSE subsequently amended its filing to eliminate this contingency. The BSE also originally proposed that its rule be effective for a one-year pilot period. The BSE subsequently amended its filing to provide for a pilot period ending on October 31, 1989 in order to be consistent with the effectiveness of similar circuit breaker rules of other self-regulatory organizations (See, e.g., the rules approved in Securities Exchange Act Release No. 26198 (October 19, 1988), 53 FR 41637). Letter from Joseph P. Carmichael, Vice President, BSE, to Mary Revell, Attorney, Commission, dated November 23, 1988.

² "Dow Jones Industrial Average" is a service mark of Dow Jones & Company, Inc.

Industrial Average reaches the trigger values notwithstanding the fact that, at any given time, the calculation of the value of the average may be based on the prices of less than all of the stocks included in the average.

.20 The reopening of trading following a trading halt under this Rule shall be conducted pursuant to procedures adopted by the Exchange.

.30 If the 250-point trigger is reached within one hour of the scheduled close of trading for a day, or if the 400-point trigger is reached within two hours of the scheduled close of trading for a day, trading in stocks shall halt for the remainder of the day; *provided, however*, that if the 250-point trigger is reached between one hour and one-half hour before the scheduled closing, or the 400-point trigger is reached between two hours and one hour before the scheduled closings, the Exchange may use abbreviated reopening procedures either to permit trading to reopen before the scheduled closing or to establish closing prices.

.40 Nothing in this Rule should be construed to limit the ability of the Exchange to otherwise halt or suspend the trading in any stock or stocks traded on the Exchange pursuant to any other Exchange rule or policy.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Over the last year, the securities markets have experienced unprecedented volatility. This volatility has been the subject of a number of market studies and reports.³

The most recent of these reports was the Interim Report ("Report") of the Working Group on Financial Markets ("Working Group") issued by the Under Secretary for Finance of the Department of the Treasury and the Chairman of the Commission, the Commodity Futures Trading Commission, and the Board of Governors of the Federal Reserve System in May, 1988. In its Report, the Working Group recommends "coordinated trading halts and reopenings for large, rapid market declines that threaten to create panic conditions." The Working Group specifically recommended that all U.S. markets for equity and equity-related products—stocks, individual stock options, stock index options, futures and options on futures—halt trading for one hour if the Dow Jones Industrial Average ("DJIA") declines 250 or more points from its previous day's closing level and for two hours if the DJIA declines 400 points from the previous day's close.

In light of the Working Group Report, as well as in keeping with its continued desire to decrease market volatility and increase investor confidence in the stock market, the BSE has adopted a Rule that will provide for temporary halts in the trading of all stocks on the Exchange when the DJIA reaches the trigger values discussed in the Working Group's Report. The BSE asserts that the halts will promote stability in the stock market by allowing market participants time to reestablish an equilibrium between buying and selling interest and will help ensure that all market participants have a reasonable opportunity to become aware of and respond to significant market price movements.

In order to coordinate the Rule's effectiveness with the effective dates of other exchanges' corresponding rules, this Rule is proposed for a pilot period ending on October 31, 1989. During this time the Exchange will analyze its experience with the proposed Rule and will determine in conjunction with the Commission and other market places whether to continue the pilot beyond the pilot period.

Statutory Basis—The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the Commission grant accelerated effectiveness to the proposed rule change pursuant to section 19(b)(2) of the Act.⁴ The Exchange's request is based on its desire to have the proposed rule change take effect concurrently with similar rule changes adopted by the New York Stock Exchange and other self-regulatory organizations. The Commission finds that the proposed rule change filed by the BSE is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6⁵ and the rules and regulations thereunder. The proposal will permit the Exchange to coordinate with the other securities self-regulatory organizations and futures exchanges in providing a mechanism to address periods of extreme downward volatility in the stock market. The Commission finds good cause for approving the BSE proposed rule change prior to the thirtieth day after the date of publication of the proposal in the *Federal Register*. The proposal is substantially identical to the NYSE circuit breaker proposal contained in File No. SR-NYSE-88-23 that was published for the full thirty-day period and was approved by the Commission in Securities Exchange Act Release No. 26198 (October 19, 1988), 53 FR 41637. In light of the absence of any adverse comments on the NYSE's filing and the Commission's view of the benefits that may accrue from adoption of coordinated circuit breakers that respond to stock market volatility and that may increase investor confidence in the markets, the Commission believes a good cause finding is justified.

³ See, e.g., "The October Market Break—A Report by the Division of Market Regulation, U.S. Securities and Exchange Commission," February 1988.

⁴ Letter from Joseph P. Carmichael, Vice President, BSE, to Mary Revell, Attorney, Commission, dated November 23, 1988.

⁵ 15 U.S.C. 78f (1982).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing also will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 10, 1989.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁶ that the proposed rule change is approved for a pilot period ending October 31, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Dated: December 14, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-29194 Filed 12-19-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26356; File No. SR-CBOE-88-16]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change Relating to Underlying Treasury Securities Options

On September 20, 1988, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange"), submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4² thereunder, a proposed rule

change to amend CBOE Rules 21.7 and 21.8 to extend the initial trading period for treasury securities beyond 15 months in certain circumstances and to provide for a .5 point strike price integral in treasury security options.

The proposed rule change was notified in Securities Exchange Act Release No. 26227 (October 28, 1988), 53 FR 44543 (November 3, 1988). No comments were received on the proposed rule change.

Currently, in order to limit underlying treasury securities for specific coupon options to the most recently issued and actively traded issues, the CBOE ordinarily approves such underlying securities for a period of no more than 15 months, and options series opened thereafter will relate to more recently issued treasury securities. Pursuant to this system the Exchange may extend approval of an underlying security only if such underlying security is reopened by the Treasury. Moreover, pursuant to current Exchange rules the strike price of each series of treasury security options is set at a one point integral. Further, there may be up to five expiration months for these treasury security options, but none further out than nine months.

The proposed rule change will revise the current system for extending approval of underlying treasury securities such that the CBOE may extend approval of an underlying treasury security beyond the original 15 month period for issues which have a reasonably active secondary market. In addition, the proposed rule change will change the 1 point strike price integral to a half-point strike price integral. The proposed rule change also will provide: (1) The Exchange the opportunity to list more than one treasury security that has not been recently issued; (2) for sequential rather than consecutive monthly expirations; and (3) for five expiration months, none further out than fifteen rather than nine months.

The CBOE states that the proposed modifications to Rule 21.7 (regarding extension of underlying treasury securities approval and multiple listing of treasury securities not recently issued) are designed to conform the Exchange's treasury security option contracts to the standards and current practices of the industry. The CBOE also states that the proposed modification to Rule 21.8(b) (providing for sequential monthly expirations and five expiration months, none further out than fifteen months) is intended to standardize the language of that rule so that it conforms to language contained elsewhere in the rules regarding sequential monthly expirations and other Exchange treasury

security option expirations. In addition, the CBOE notes that the move from a one point strike price integral to a half-point strike price integral is designed to provide investors with exchange-listed contracts similar to those traded in the over-the-counter ("OTC") market. The Exchange suggests that such a move in the strike price integral will not result in a proliferation of strike prices because the Exchange intends to drop series in which no open interest exists, thus limiting the number of series outstanding.

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 and the rules and regulations thereunder. More specifically, the Commission believes that the move from a one point strike price integral to a half-point strike price integral will ensure the continuous availability of a strike price close to the money. In this regard, the Commission believes that by providing investors with exchange-listed contracts similar to those traded in the OTC market, the half-point strike will help provide additional depth and liquidity to certain treasury options by increasing institutional and individual investor participation in the trading of those options. In addition, the Commission believes that modifying the rule concerning strike prices so as to conform with existing exchange policy and trading practices regarding such strikes should ameliorate any possible investor confusion. To the extent that the amendment could increase the number of treasury options series, the CBOE has committed to remove from listing the series with no open interest. The Commission believes that the CBOE should undertake this pruning on a consistent basis so that the reduced strike prices do not result in undue series proliferation.

The Commission believes further that because the purpose of Interpretation and Policy .02 to CBOE Rule 21.7 is to limit underlying treasury securities for specific coupon options to the most actively traded issues it is logical to allow the Exchange to extend approval of underlying treasury securities where a reasonably active secondary market exists for such securities. The Commission also believes that that portion of the rule change amending Interpretation and Policy .02 to CBOE Rule 21.7 should be approved because the amendment simply conforms the Exchange's treasury security option

⁶ 15 U.S.C. 78s(b)(2) (1982).

⁷ 17 CFR 200.30-3(a)(12) (1988).

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 CFR 240.19b-4 (1988).

contracts to the standards and current practices of the industry.

Finally, the Commission believes that those portions of the rule change modifying Rule 21.8(b) to provide for sequential monthly expirations and five expiration months, none further out than fifteen months, should be approved because the modifications simply conform the language of that Rule to language contained elsewhere in the Rules regarding sequential monthly expirations and other Exchange treasury security option expirations.³

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁴ that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Dated: December 13, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-29195 Filed 12-19-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26351; File No. SR-PSE-88-05]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Appearance of Witnesses and the Production of Documentary Materials at PSE Disciplinary Hearings

On September 26, 1988, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend PSE Rule XX, Section 4 to provide PSE disciplinary hearing panels, complainants, and respondents with the power to compel members or persons associated with a member to testify or provide documentary materials at Exchange disciplinary proceedings.

The proposed rule change was noticed in Securities Exchange Act Release No. 26157 (October 5, 1988) 53 FR 40152 (October 13, 1988). No comments were received on the proposed rule change.

The PSE states that the proposed rule change is designed to assure that members and persons associated with members cooperate with one another and with the Exchange in PSE disciplinary hearings with respect to

possible violations of Exchange rules. In addition, the PSE notes that the proposed rule change will enhance the Hearing Panel's fact finding responsibilities in regards to adjudicating disciplinary hearings.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.³ More specifically, by making noncompliance with a hearing panel request for documents or testimony a violation of PSE Rules, PSE members will comply fully with PSE hearing panel requests for information. The Commission believes that PSE hearing panels must have the ability to obtain such information so that the panel has access to all relevant facts necessary for the hearing panel to act on a fully informed basis when making decisions concerning the disciplining of members. At the same time, the Commission believes the proposal is not inconsistent with the Exchange's maintenance of a fair disciplinary process for its members. The Commission notes that all existing due process safeguards relating to PSE disciplinary procedures remain in place. Finally, the Commission previously has approved rules of other exchanges that give their disciplinary committees the express power to compel the production of documentary evidence and witnesses.⁴

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁵ that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Dated: December 13, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-29196 Filed 12-19-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26354; File No. SR-PHLX-88-33]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Temporary Approval to Proposed Rule Change; Automated Options Market System

On October 3, 1988, the Philadelphia Stock Exchange, Inc. ("PHLX" or

"Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to expand and extend the Exchange's Automated Options Market ("AUTOM") system pilot program through June 30, 1989.

The proposed rule change was noticed in Securities Exchange Act Release No. 26193 (October 18, 1988), 53 FR 43068 (October 25, 1988). No comments were received on the proposal.

AUTOM is an on-line system that allows electronic delivery of options orders from member firms directly to the appropriate specialist on the PHLX options trading floor, with electronic confirmation of order executions. Because all orders received through AUTOM are exposed to the specialist's limit order book, the trading crowd, and to at least one registered options trader ("ROT"),³ the Exchange believes best execution of AUTOM orders is assured.

All orders entered into the system are executed manually by the specialist, who, upon execution of the order, enters the relevant trade information (e.g., the number of contracts executed, the price, and the identity of the contra-broker(s)) into the system. An execution report then is sent automatically to the firm that placed the order.

In its rule filing seeking implementation of the AUTOM system, the PHLX noted that the AUTOM system, including hardware as well as software, is completely separate from and independent of the hardware and software for PHLX's Philadelphia Stock Exchange Automated Communication and Execution ("PACE") system for routing and executing stock orders. The Exchange stated that because the systems are independent, one system cannot have an adverse impact on the other during volume surges in terms of volume handling capabilities or queuing.⁴

In Securities Exchange Act Release No. 25540 (March 31, 1988), 53 FR 11390, the Commission approved implementation of the AUTOM system on a 90-day pilot basis. The Commission approved the Exchange's request that the pilot include up to 12 equity options,

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 C.F.R. 240.19b-4 (1988).

³ PHLX Rule 1063(a) requires an Options Floor Broker to ascertain that at least one ROT is present at the trading post prior to representing an order for execution.

⁴ Letter from Michael A. Finnegan, Senior Vice President, PHLX, to Howard L. Kramer, Assistant Director, Commission, dated March 22, 1988.

³ See, e.g., CBOE Rule 21.9(a).

⁴ 15 U.S.C. 78s(b)(2) (1982).

⁵ 17 C.F.R. 200.30-3(a)(12) (1988).

⁶ 15 U.S.C. 78s(b)(1) (1982).

⁷ 16 C.F.R. 240.19b-4 (1988).

³ 15 U.S.C. 78f (1982).

⁴ See, e.g., CBOE Rule 17.2(b).

⁵ 15 U.S.C. 78s(b)(2) (1982).

⁶ 17 C.F.R. 200.30-3(a)(12) (1988).

up to five order entry firms, and up to six specialist units. During the pilot phase, only market orders of five or fewer contracts in the near-term expiration month were made eligible for delivery through the system for manual execution. At the same time, the Commission granted the PHLX authority to terminate the program prior to the 90th day and to extend the pilot beyond the 90th day upon notice and approval of the Commission.

In Securities Exchange Act Release No. 25868 (June 30, 1988), 53 FR 25563, the Commission approved a six-month extension of the pilot period, as well as the expansion of the pilot to include an additional 25 equity options, bringing to 37 the total number of equity options eligible for execution through the AUTOM system. The Commission also granted the PHLX authority to terminate the program prior to the end of the six-month pilot extension and to extend the pilot beyond this period upon due notice and approval of the Commission.

The Exchange now proposes to modify the existing 37-options pilot to make all pilots options' strikes and expiration months eligible to be handled by AUTOM and to increase the eligible order size for AUTOM to 10 contracts. The Exchange believes that this modification will make AUTOM more competitive vis-a-vis similar systems currently being operated by other options exchanges. In all other respects, the Exchange commits to operating the pilot as represented in its prior rule filings. The PHLX also requests an extension of the modified AUTOM pilot until June 30, 1989 in order to assess adequately the impact of these modifications on the pilot.

To date, the Exchange has received insignificant order flow through AUTOM.⁵ The Exchange asserts that expanding and extending the AUTOM pilot will enable it to gain additional trading experience before making a final determination as to permanent approval of the AUTOM system.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities

exchange, and, in particular, the requirements of section 6⁶ and section 11A⁷ and the rules and regulations thereunder. The Commission continues to believe that the development and implementation of AUTOM will provide for more efficient handling and reporting of orders in PHLX equity options through the use of new data processing and communications techniques, thereby improving order processing and turnaround time. The Commission also believes that the AUTOM system, by offering increased order routing efficiencies, should benefit public customers and PHLX member firms and customers.

Expanding the existing 37 options AUTOM pilot to make all pilot options' strikes and expiration months eligible to be handled by AUTOM and to increase the eligible order size for AUTOM to 10 contracts and extending the pilot period for six months (*i.e.*, through June 30, 1989) should enable the Exchange to better assess the effectiveness of the AUTOM system. The PHLX believes that the AUTOM system will be able to handle the increased volume that should accompany expansion of the pilot to 37 equity options.⁸ As noted above, the AUTOM system is completely independent from the Exchange's PACE system. Therefore, neither AUTOM nor the PACE system should impact on the other during periods of high volume. Moreover, as noted in the original order approving implementation of the AUTOM pilot,⁹ the PHLX asserts that the AUTOM system has significant excess order handling and disc capacity.¹⁰

It therefore is ordered, pursuant to section 19(b)(2) of the Act,¹¹ that the

⁵ 15 U.S.C. 78f (1982).

⁷ 15 U.S.C. 78k-1 (1982).

⁸ Letter from Michael A. Finnegan, Senior Vice President, PHLX, to Howard L. Kramer, Assistant Director, Division of Market Regulation, Commission, dated November 30, 1988.

⁹ 53 FR 11390-91.

¹⁰ In particular, the PHLX informed the Commission that the AUTOM system's order handling and disc capacity was five times the estimated daily order flow for the original pilot, and that the AUTOM system capacity could be increased up to five times that capacity if needed. See letter from Michael A. Finnegan, Senior Vice President, PHLX, to Howard L. Kramer, Assistant Director, Division of Market Regulation, Commission, dated March 30, 1988. Based on the Exchange's experience to date under the pilot program, the Commission believes that increasing the number of strikes and expiration months eligible to be handled by AUTOM and increasing the eligible order size should not impact adversely the ability of AUTOM to handle the necessary volume levels.

¹¹ 15 U.S.C. 78e(b)(2) (1982).

proposed rule change is approved for a pilot period ending June 30, 1989.¹²

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Dated: December 13, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-29197 Filed 12-19-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended December 9, 1988

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No.: 45990.

Date Filed: December 6, 1988.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 3, 1989.

Description: Application of Bradley Air Service Limited d/b/a First Air, pursuant to Section 402 of the Act and Subpart of the Regulations requests a foreign air carrier permit authorizing it to provide scheduled foreign air transportation of persons, property, and mail between Ottawa, Ontario, and Boston, Massachusetts.

Docket No.: 4600.

Date Filed: December 8, 1988.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: January 5, 1989.

Description: Application of Air China International Corporation, d/b/a Air China, pursuant to Section 402 of the

¹² The Commission expects that at the conclusion of the additional six-month pilot period, the PHLX will be able to evaluate the pilot and submit a rule change for final approval with any appropriate modifications, or that the PHLX will submit a rule change extending the pilot beyond the six-month period. The PHLX is authorized to terminate the program prior to the end of the six-month period upon due notice and approval by the Commission.

¹³ 17 CFR 200.30-3(a)(12) (1988).

⁶ In this regard, the Exchange does not foresee any significant taxing of the Exchange's computer systems if the Commission approves the expansion of the pilot as proposed herein. Letter from Michael A. Finnegan, Senior Vice President, PHLX, to Howard L. Kramer, Assistant Director, Division of Market Regulation, Commission, dated November 30, 1988. In all other respects, the Exchange stands by its representations conveyed in letters to Howard Kramer, Assistant Director, Division of Market Regulation, Commission, from Michael A. Finnegan, Senior Vice President, PHLX, dated March 22 and 30, 1988.

Act and Subpart Q of the Regulations applies for transfer and amendment of the foreign air carrier permit to add authority to serve Route 2, as set forth in the Protocol dated August 19, 1982 to the Civil Air Transport Agreement signed by the Government of the United States of America and the Government of the People's Republic of China on September 17, 1980.

Docket No.: 46004.

Date Filed: December 9, 1988.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: January 6, 1989.

Description: Application of Sector Airlines Inc./Lignes Aeriennes Sector Inc., pursuant to section 402 of the Act and Subpart Q of the Regulations, requests a foreign air carrier permit authorizing it to operate nonscheduled all-cargo services between the coterminal points Montreal, P.Q. (to be served through Mirabel Airport) and Quebec City, P.Q., on the one hand, and Burlington, Vermont, on the other hand. In addition, Sector requests authority to operate charter services (a) between all points in the U.S. and points not in either the U.S. or Canada subject to Part 212 of DOT's Economic Regulations.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 88-29171 Filed 12-19-88; 8:45 am]

BILLING CODE 4910-82-M

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Air Traffic Procedures Advisory Committee meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATE: The meeting will be held from January 24, at 9 a.m., through January 26, 1989, at 5 p.m.

ADDRESS: The meeting will be held at the Embassy Suites Hotel, San Diego-La Jolla, CA.

FOR FURTHER INFORMATION CONTACT: Mr. Paul H. Strybing, Executive Director, ATPAC, Air Traffic Operations Service, 800 Independence Avenue, SW.,

Washington, DC 20591, telephone (202) 267-3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the ATPAC to be held from January 24, at 9 a.m., through January 26, 1989, at 5 p.m., at the Embassy Suites Hotel, San Diego-La Jolla, CA. The agenda for this meeting is as follows: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the persons listed above not later than January 19, 1989. The next quarterly meeting of the FAA ATPAC is planned to be held from April 17 through April 21, 1989, in Washington, DC. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on December 14, 1988.

Paul H. Strybing,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 88-29151 Filed 12-19-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 15, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed

and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512-0089.

Form Number: ATF F 5100.24 (1637).

Type of Review: Extension.

Title: Application for a Basic Permit Under the Federal Alcohol Administration Act.

Description: ATF F 5100.24 (1637) is an application for a basic permit for beverage distilled spirits plants and bonded wineries. The issuance of basic permits to distillers, and wine producers is required by the Federal Alcohol Administration Act. The permit identifies persons entitled to engage in operations and the location and extent of operations.

Respondents: Businesses and other for-profit, small businesses or organizations.

Estimated Number of Respondents: 150.

Estimated Burden Hours Per Response: 3 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 450 hours.

Clearance Officer: Robert Masarsky (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 88-29191 Filed 12-19-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 14, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and

Pennsylvania Avenue, NW.,
Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512-0218.

Form Number: ATF F 5120.17 (702).

Type of Review: Extension.

Title: Monthly Report of Wine Cellar Operations.

Description: This report is used to monitor winery operations to insure the collection of wine tax revenues. It further issues that wine is produced in accordance with the rules established in law and regulations. ATF F 5120.17 provides the raw data for ATF's Monthly Statistical Release on Wine, which is used by both ATF and other federal agencies as well as regulated industry for trend analysis and planning.

Respondents: Businesses and other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 1,367.

Estimated Burden Hours Per Response: 1 hour 6 minutes.

Frequency of Response: Monthly.

Estimated Total Reporting Burden: 18,044 hours.

Clearance Officer: Robert Masarsky (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 88-29140 Filed 12-19-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 4, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department

Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0025

Form Number: 851

Type of Review: Revision

Title: Affiliations Schedule

Description: Form 851 is filed by the parent corporation for itself and the affiliated corporations in the affiliated group of corporations that files a consolidated return (Form 1120). Form 851 is attached to the Form 1120. This information is used to identify the members of the affiliated group, the tax paid by each, and to determine that each corporation qualifies as a member of the affiliated group as defined in section 1504.

Estimated Number of Respondents: 4,000

Estimated Burden Hours Per Response/Recordkeeping:

Recordkeeping, 11 hours 58 minutes

Learning about the law or the form, 24 minutes

Preparing and sending the form to IRS, 37 minutes

Estimated Total Recordkeeping/Reporting Burden: 51,880 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 88-29141 Filed 12-19-88; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 "M" Street NW., Washington, DC, January 10

through January 13, 1989. The session on January 10, 1989, is scheduled to begin at 6:30 p.m. and end at 10:30 p.m. The sessions on January 11, 12, and 13, 1989, are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) for the January 10 session for the discussion of administrative matters, the general status of the program, and the administrative details of the review process. On January 11-13, 1989, the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts.

Thus, the closing is in accordance with 5 U.S.C. 522b(c)(6), and (c)(9)(B) and the determination of the Administrator of Veterans Affairs Under Sections 10(d) of Pub. L. 92-463 as amended by section 5(c) of Pub. L. 94-409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Jon Peters, Program Manager, Rehabilitation Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, (Phone: 202-233-5177) at least five days before the meeting.

Dated: December 8, 1988.

By direction of the Administrator:

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 88-29124 Filed 12-19-88; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 53, No. 244

Thursday, December 20, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: Monday, December 19, 1988, 2:00 p.m.

PLACE: 1776 G Street, NW., Board Room, Third Floor, Washington, DC 20006.

STATUS: Closed.

CONTACT PERSON FOR MORE

INFORMATION: Keith Earley, 1759 Business Center Drive, P.O. Box 4115, Reston, Virginia 22090, (703) 759-8414.

MATTERS TO BE CONSIDERED:

Closed Minutes of the November 29, 1988 Board of Directors' Meeting
Closed President's Report
Closed Financial Report-Quarterly Update
Closed 1989 Corporate Plan
Closed Selected Compensation and Benefit Issues

Date sent to Federal Register: December 15, 1988.

Maud Mater,
Secretary.

[FR Doc. 88-29246 Filed 12-16-88; 12:33 pm]

BILLING CODE 6720-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 19, 26, 1988, January 2, and 9, 1989.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 19

Monday, December 19

10:00 a.m.

Briefing on Peer Review and Interim Use of NUREG-1150 (Public Meeting)

Tuesday, December 20

10:00 a.m.

Briefing on Current Status of Possible Use of Substandard Components in Nuclear Power Plants (Public Meeting)

2:00 p.m.

Briefing by DOE on High Level Waste Program (Public Meeting)

Wednesday, December 21

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Proposed Commission Policy Statement on the Professional Conduct of Nuclear Power Plant Operators

b. Petition for Leave to Intervene in the Comanche Peak Operating License and Construction Permit Amendment Proceedings (Tentative)

2:00 p.m.

Periodic Briefing on Operating Reactors and Fuel Facilities (Public Meeting)

Week of December 26—Tentative

There are no commission meetings scheduled for the week of December 26.

Week of January 2—Tentative

Thursday, January 5

2:00 p.m.

Briefing on Regulatory Responsibilities and Schedules for the HLW Repository Program (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, January 6

10:00 a.m.

Briefing on Staff Actions to Reduce Testing at Power (Public Meeting)

Week of January 9—Tentative

Thursday, January 12

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (301)—492-0292

CONTACT PERSON FOR MORE

INFORMATION: William Hill (301) 492-1661.

Jack Guttman,

Office of the Secretary.

December 15, 1988.

[FR Doc. 88-29272 Filed 12-16-88; 3:26 pm]

BILLING CODE 7590-01-M

The following is a list of the names of the individuals who have been named in the Executive Order. The names are listed in alphabetical order of their last names. The names are listed in the order in which they appear in the Executive Order. The names are listed in the order in which they appear in the Executive Order.

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Registered Product

**Tuesday
December 20, 1988**

Part II

Department of Health and Human Services

Agency for Toxic Substances and Disease Registry

Availability of Toxicological Profiles; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency For Toxic Substances and Disease Registry

[ATSDR-7]

Availability of Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR); Public Health Service (PHS); Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: This notice announces the expected availability of the second 25 draft toxicological profiles, prepared by ATSDR, for review and comment.

The Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99-499) amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (42 U.S.C. 9601 *et seq.*) by establishing certain requirements for the ATSDR and the Environmental Protection Agency (EPA) with regard to hazardous substances which are most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance previously included on the first priority list of 100 chemicals. The list identified the first 100 chemicals which both Agencies determined are posing the most significant potential threat to human health. This list was published in the *Federal Register* on April 17, 1987 (52 FR 12866).

Availability

The following draft toxicological profiles are expected to be publicly available on or about December 20, 1988.

Profile	CAS Number
1,1-Dichloroethene	75-35-4
Alpha-, beta-, gamma-, and delta-Hexachlorocyclohexane	319-84-6, 58-89-9, 319-85-7, 319-86-8
Chloroethane	75-00-3
Isophorone	78-59-1
Toluene	108-88-3
2,4- and 2,6-Dinitrotoluene	121-14-2, 806-20-2
1,2-Dichloroethane	107-06-2
p,p'-DDT, DDE, DDD	72-55-9, 50-29-3, 72-54-8
N-nitrosodi-n-propylamine	621-64-7
1,1,2,2-Tetrachloroethane	79-34-5
1,2-Dichloropropane	78-87-5
Carbon tetrachloride	56-23-5
Zinc	7440-66-6
Selenium	7782-49-2
Chlordane	57-74-9

Profile	CAS Number
Phenol	108-95-2
Benzidine	92-87-5
3,3'-Dichlorobenzidine	91-94-1
Pentachlorophenol	87-86-5
Mercury	7439-97-6
1,1,2-Trichloroethane	79-00-5
N-nitrosodimethylamine	62-75-9
Bromodichloromethane	75-27-4
Bis(2-chloroethyl)ether	111-44-4
Bis(chloromethyl)ether	542-88-1

A 90-day public comment period will be provided for each profile, starting from the actual release date. The close of the comment period for each draft profile will be indicated on the front of each profile.

Requests for draft toxicological profiles should be sent to Mr. Edward J. Skowronski, Assistant Branch Chief, Research Analysis Branch, Agency for Toxic Substances and Disease Registry, Chamblee 28 South, 1600 Clifton Road, Atlanta, GA 30333.

Specify the profiles you wish to receive. One copy of each profile requested will be forwarded free of charge, as they become available. In the case of extended delays, requestors will be notified.

Send one copy of all comments and five copies of all supporting documents to Mr. Skowronski at the above address by the end of the comment period. All written comments and draft profiles will be available for public inspection at the ATSDR, Trailer 11, 4770 Buford Highway NE, Chamblee, GA, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Written comments and other data submitted in response to this notice and the draft toxicological profiles should bear the docket control number ATSDR-7.

SUPPLEMENTARY INFORMATION:

I. Background

On October 17, 1986, the President signed the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499), which extends and amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund, 42 U.S.C. 9601 *et seq.*).

Section 110 of SARA amends section 104(i) of CERCLA by establishing requirements for the preparation of: (1) Lists of hazardous substances in order of priority, (2) toxicological profiles of those substances, and (3) a research program to fill data gaps associated with the substances.

In compliance with section 104(i)(2)(A) of CERCLA, ATSDR and EPA published on April 17, 1987 (52 FR 12866) the first priority list of 100 hazardous substances. This priority list

of 100 was further broken down into four groups of 25 chemicals. The first group of 25 was the subject of the development of the first set of toxicological profiles. Section 104(i)(3) of CERCLA spells out the content of these profiles and the timetable by which they must be developed. Profiles on at least 25 substances on the first priority list were to be completed within one year of the enactment of SARA (by October 17, 1987). The remaining seventy-five are to be completed at a rate of at least twenty-five per year with the total 100 completed within four years after the enactment of the SARA amendments. Revision and republication is mandated as necessary but no less often than once every three years.

Each profile is required to include an examination, summary and interpretation of available toxicological information and epidemiologic evaluations. This information and data are to be used to ascertain the levels of significant human exposure for the substance and the associated health effects. The profiles must also include a determination of whether adequate information on the health effects of each substance is available or in the process of development. When adequate information is not available, ATSDR, in cooperation with the National Toxicology Program (NTP), is required to assure the initiation of a program of research designed to determine these health effects.

The toxicological profiles are to be provided to the States and made available to the public. The profiles are to be prepared in accordance with the guidelines developed by ATSDR and EPA.

This current notice announces the projected availability of the second 25 draft toxicological profiles. The documents have undergone extensive internal review and have been subjected to scientific and technical peer review by outside experts. We are now announcing their availability and encouraging public participation and comment on the further development of these profiles.

Although we are reasonably confident that the key studies for each of the 25 substances were considered during the profile development process, this *Federal Register* notice solicits any significant studies, including unpublished data, which may aid in the revision of the draft profiles.

II. Levels of Significant Human Exposure

Setting specific levels of significant human exposure presented a unique set

of problems. The significance of a specific level of a hazardous substance depends on the context in which that level is evaluated. For example, a low level that may be insignificant with respect to causing acute, immediately debilitating symptoms may be highly significant with respect to causing gradual, chronic effects over a longer term. Since these profiles are intended for use by a diverse group of people who

have different situations in which to interpret the significance of specific levels, it was considered appropriate at this time to describe the range of exposures over which effects may occur (where data are available) and to allow the user to make determinations as to which type of effect is significant to any particular instance. A format for graphically displaying the levels of significant human exposure has been

developed and is used in the profiles to present the ranges over which effects may be observed.

We encourage public comment and recommendations on this specific issue.

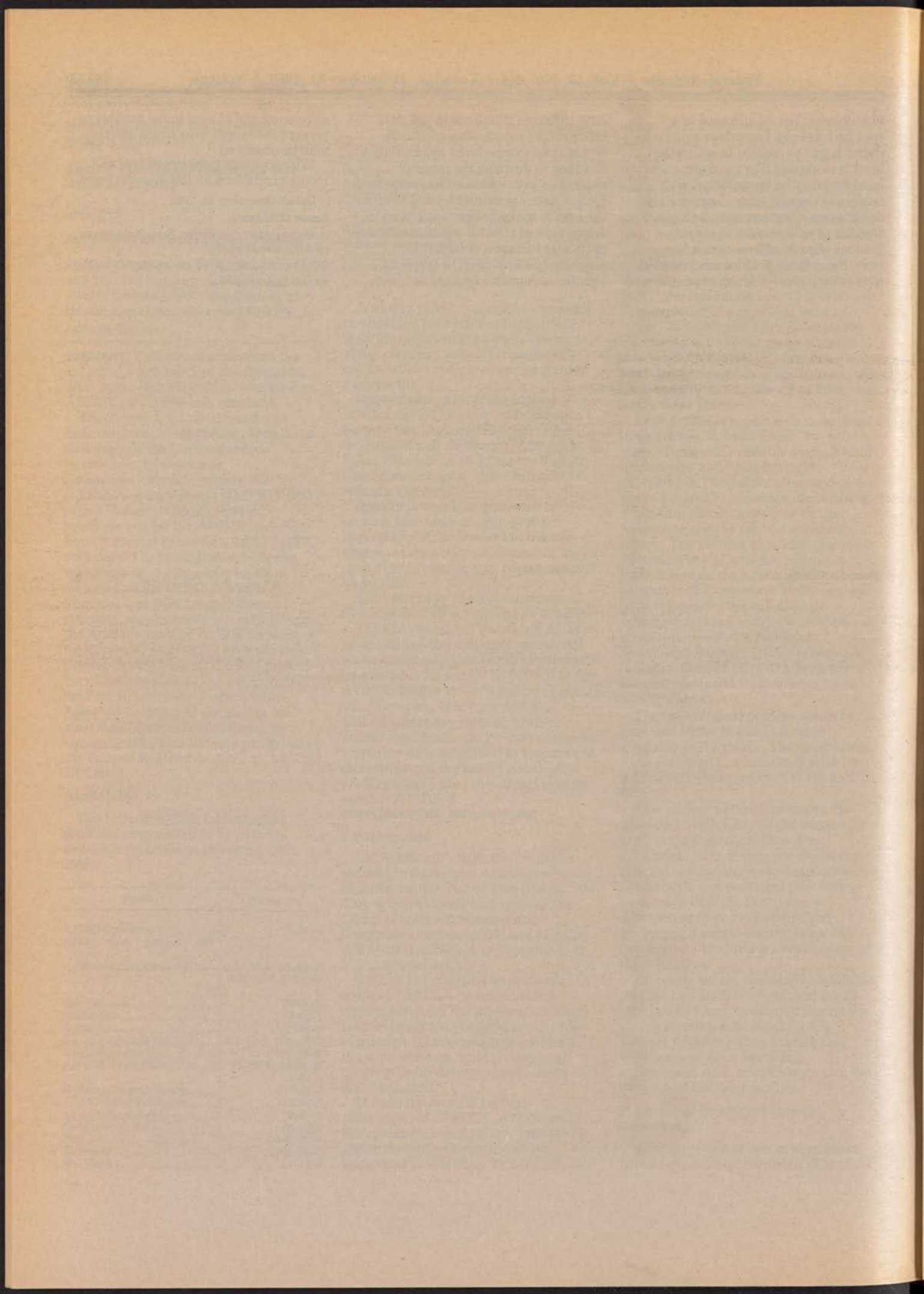
Dated: December 13, 1988.

James O. Mason,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 88-29021 Filed 12-19-88; 8:45 am]

BILLING CODE 4160-70-M



firefighting federal register

**Tuesday
December 20, 1988**

Part III

Department of Agriculture Department of the Interior

**Recommendations of the Fire
Management Policy Review Team; Notice
of Availability and Public Meetings**

DEPARTMENT OF AGRICULTURE**DEPARTMENT OF THE INTERIOR****Recommendations of the Fire Management Policy Review Team**

AGENCIES: United States Forest Service, Agriculture, National Park Service, Interior, United States Fish & Wildlife Service, Interior, Bureau of Land Management, Interior, Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of final report and proposed recommendations of the Fire Management Policy Review Team concerning Federal fire management policy for national parks and Federally designated wilderness areas. Notice of public meetings.

SUMMARY: On September 28, 1988 the Secretaries of the Department of Agriculture and the Department of the Interior appointed the interagency Fire Management Policy Review Team to investigate and recommend modifications to agencies' current fire management policies for national parks and federally designated wilderness areas. The Team's complete report and recommendations are herewith published for public review and comment and concurrent agency review. The compiled record will be used by agencies in modifying their fire management policies. Public meetings will be conducted in Washington, DC and several additional communities. The schedule of the location, date and time will be announced through placement in the *Federal Register*.

DATES: Written comments will be accepted until February 21, 1989. Public meetings will be scheduled through announcement in the *Federal Register*.

ADDRESS: Comments should be directed to: Chief, Forest Service-USDA, P.O. Box 96090, Washington, DC 20090-6090; or Director, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

Copies are available from: Director, Public Affairs Office, Forest Service-USDA, P.O. Box 96090, Washington, DC 20090-6090; or Chief, Office of Public Affairs, National Park Service, P.O. Box 37127, Main Interior Building-Mail Stop 3043, Washington, DC 20013-7127.

FOR FURTHER INFORMATION CONTACT: Public Affairs Office, Forest Service-USDA, P.O. Box 96090, Washington, DC 20090-6090, phone (202) 447-3760; or Ranger Activities Division, National Park Service, P.O. Box 37127, Main Interior Building-Mail Stop 3310,

Washington, DC 20013-7127, phone (202) 343-4874.

Peter C. Myers,

Deputy Secretary, Department of Agriculture.

Earl E. Gjelle,

Under Secretary, Department of the Interior.

SUPPLEMENTARY INFORMATION:**Report of the Fire Management Policy Review Team**

December 14, 1988.

Memorandum for:

Secretary of Agriculture
Secretary of the Interior

Through:

Deputy Secretary, Department of Agriculture, Peter C. Myers
Under Secretary, Department of the Interior, Earl E. Gjelle

From: Fire Management Policy Review Team

Re: Report concerning Fire Management Policy for National Parks and Wilderness

As requested, we are submitting the enclosed report of the Fire Management Policy Review Team appointed by you on September 28, 1988.

The team was established to review current U.S. Department of Agriculture and U.S. Department of the Interior policies on fire management in light of the extreme fire situation experienced in the Greater Yellowstone Area during the summer of 1988. The team conducted a thorough review of fire policies for national parks and wilderness areas. Much useful information was obtained during consultations with various elected officials, private citizens, representatives from academia, concessioners and outfitters, environmental groups, businesses, and other knowledgeable parties.

Our recommendations include a number of significant changes in fire policy and its application to national parks and wilderness areas. While recognizing the important role of fire in natural ecosystems, we believe that these suggested improvements in fire management policy will reduce the risk of repeating the experience of this past summer.

We further recommend that the enclosed report be reviewed by the individual land management agencies concurrently with the public review. This concurrent review will ensure that approved policy changes can be implemented prior to the 1989 fire season.

We would be remiss if we did not recognize the contributions of our staff directors, John Chamber and David Behler, and many others who made it possible to complete this report in a

short period. In particular, John Gerard of the National Fire Protection Association, Paul Cunningham, Executive Director of the Western Governors Association, Dr. Robert Lee of the University of Washington, and Dr. Ron Wakimoto of the University of Montana were helpful in facilitating the supply of information about fire management policies and their applications from outside organizations and academia.

We thank you for the opportunity to serve in this important endeavor and hope that our efforts will lead to improved fire management policies and programs and increased public support for them.

Charles Philpot,

Co-Chair, Special Assistant to the Deputy Secretary, Department of Agriculture.

Brad Leonard,

Co-Chair, Deputy Director, Office of Program Analysis, Department of the Interior.

Gary E. Cargill,

Regional Forester, Rocky Mountain Region, U.S. Forest Service.

Blaine L. Cornell,

Forest Supervisor, Stanislaus National Forest, U.S. Forest Service.

Boyd Evison,

Regional Director, Alaska Region, National Park Service.

Thomas F. Follrath,

Deputy Division Chief, Division of Wildlife Refuges, U.S. Fish and Wildlife Service.

Dean E. Stepanek,

Assistant Director for Lands and Renewable Resources, Bureau of Land Management.

Charles W. Tandy,

BIA Director, Boise Interagency Fire Center, Bureau of Indian Affairs.

Bruce M. Kilgore,

Regional Chief Scientist, Western Region, National Park Service.

Harry F. Layman,

Chairman of the Fire Committee, National Association of State Foresters.

Report on Fire Management Policy**Table of Contents**

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Concerns and Views
Policy Options
Federal Fire Policies
History and Experience with Natural Fire Programs
Findings
Recommendations
Issues Needing Further Analysis
Appendix

Summary

The Fire Management Policy Review Team was established on September 28th to review national policies and their application for fire management in national parks and wilderness and to recommend actions to address the problems experienced during the 1988 fire season. The Team report is due December 15th, with a minimum of a 60 day public review and comment period to follow. The goal is to have improved fire management policies and plans in effect by the end of May 1989.

The Fire Management Policy Review Team finds that:

- The objectives of policies governing prescribed natural fire programs in national parks and wildernesses are sound, but the policies themselves need to be refined, strengthened, and reaffirmed. These policies permit fires to burn under predetermined conditions.

- Many current fire management plans do not meet current policies; the prescriptions in them are inadequate; and decision-making needs to be tightened.

- There are risks inherent in trying to manage fire, but they can be reduced by careful planning and preparation. Use of planned burning and other efforts to reduce hazard fuels near high value structures and to create fire breaks along boundaries help to reduce risks from both prescribed natural fires and wildfires.

- The ecological effects of prescribed natural fire support resource objectives in parks and wilderness, but in some cases the social and economic effects may be unacceptable. Prescribed natural fires may affect permitted uses of parks and wilderness, such as recreation, and impact outside areas through such phenomena as smoke and steam sedimentation.

- Dissemination of information before and during prescribed natural fires needs to be improved. There needs to be greater public participation in the development of fire management plans.

- Internal management processes, such as training more personnel, developing uniform terminology, and utilizing similar budget structures, would significantly improve fire management.

- Claims were heard that some managers support "naturalness" above all else, allowing fires to burn outside of prescription requirements without appropriate suppression actions.

The Team recommends that:

- Prescribed natural fire policies in the agencies be reaffirmed and strengthened.

- Fire management plans be reviewed to assure that current policy

requirements are met and expanded to include interagency planning, stronger prescriptions, and additional decision criteria.

- Line officers certify daily that adequate resources are available to ensure that prescribed fires will remain within prescription, given reasonably foreseeable weather conditions and fire behavior.

- Agencies develop regional and national contingency plans to constrain prescribed fires under extreme conditions.

- Agencies consider opportunities to use planned ignitions to complement prescribed natural fire programs and to reduce hazard fuels.

- Agencies utilize the National Environmental Policy Act requirements in fire management planning to increase opportunities for public involvement and coordination with state and local government.

- Agencies provide more and better training to assure an adequate supply of knowledgeable personnel for fire management programs.

- Agencies review funding methods for prescribed fire programs and fire suppression to improve interagency program effectiveness.

- Additional research and analysis relating to weather, fire behavior, fire history, fire information integration, and other topics be carried out so that future fire management programs can be carried out more effectively and with less risk.

- Allegations of misuse of policy be promptly investigated and acted upon as may be appropriate.

Report of the Fire Management Policy Review Team

December 14, 1988

Background

The 1988 fire season was severe in many parts of the western United States. Near record acreages were burned over, and more than one-half billion dollars were expended on suppression efforts. Additional resources will be required for rehabilitation and other follow-up needs.

Although the western United States experienced wildland fires exceeding recent history, the extraordinary fire situation in 1988 in the Greater Yellowstone Area was the focal point for public concern and agency criticism. Yellowstone National Park enjoys a special place in the hearts of Americans and, indeed, people worldwide. Vivid accounts of the Yellowstone fires appeared daily on television and in the newspapers from July through

September. Visitor use was interrupted; smoke episodes disturbed local communities; and some summer businesses were hurt. A total of 249 separate fires were counted during the summer in the Greater Yellowstone Area, burning over a million acres. Twenty-eight of the 249 fires began as prescribed natural fires as permitted under current Department of the Interior (USDI) and Department of Agriculture (USDA) policy. Controversy arose over the adequacy of fire suppression. We have to ask ourselves:

- Is the policy allowing fire to play its natural ecological role in parks and wilderness under certain conditions flawed or inappropriate? What are the alternatives, and what are their effects?

- Should more of the fires have been declared wildfires and suppressed earlier, particularly given the drought? Should early suppression action have been more vigorous?

- Are surrounding communities being put at risks unacceptable to them by natural prescribed fire programs or from policies that restrict fire suppression tactics? Or do prescribed burns and prescribed natural fires result in an appreciable net reduction in risks?

- Are offsite effects, such as smoke and air and water pollution, acceptable, and are they adequately assessed in planning for these programs? How do they compare to offsite effects to that which would occur without such programs?

- Is the public aware of the ramifications of current policy and alternatives, such as immediate suppression of all fires or letting all fires burn unchecked?

- Did Federal and State agencies spend too much money on suppressing the fires? Would they have spent less if prescribed natural fire programs had not been implemented or if there had been better public understanding of and support for natural fires?

- Are agencies perceived as incompetent when large, numerous fires occur that partially result from natural prescribed fire programs or from policies that restrict fire suppression tactics?

- To what extent has a long-term credibility and communication problem been created between the public and agencies, and, if so, how can it be corrected?

- Is the large array of successful fire management programs across the nation now at risk?

Activity in the Greater Yellowstone Area in 1988 has triggered public debate and professional concern about current fire policies in Federal land management agencies nationwide. Wildland fire

management is a high risk activity. There are many areas of the United States where similar wildland fire disasters could occur. This risk is increasing in many areas due to the combination of fuel accumulation and the continuing developing of private and commercial interests in flammable, wildland settings. Therefore, it is timely to take a national look at current wildland fire policies, their application, and implementation plans to ensure that the risks and costs to society are acceptable, in light of the alternatives.

Establishment of National Fire Management Policy Review Team

The Secretaries of Interior and Agriculture established a Fire Management Policy Review Team on September 28, 1988. This multi-agency team, co-chaired by Interior and Agriculture representatives, was assigned the task of reviewing the current national park and wilderness fire management policies and action plans of all agencies within both Departments and recommending changes needed to address the problems experienced during the 1988 fire season. The Team met regularly with representatives of the National Fire Protection Association, the Western Governors Association, and the academic community. The Team was also directed to consult with representatives of knowledgeable organizations and individuals to arrive at proposed changes. The Team report is due on December 15, 1988. A public comment phase will then begin with publication of the Team's report in the *Federal Register*. Revised policy and application requirements will be implemented prior to the 1989 western fire season.

The goals of the Fire Management Policy Review Team are:

- To identify issues and concerns which arose during the 1988 fire season related to fire management policy and its application;
- To gather information from a cross-section of knowledgeable parties about current fire policy and its application;
- To develop recommendations for appropriate changes in fire policy and improvements in application; and
- To identify areas of needed additional study and analyses.

The Team began with the premise that its charter did not include detailed evaluation of the overall management direction for national parks and wildernesses and therefore focussed just on fire management policies. For example, wilderness areas and, to a more varied degree, national parks have been designated as special areas where

"natural" processes can occur in perpetuity with minimum influence of human activities. This basis direction, arising from the National Park Service Organic Act of 1916 and the Wilderness Act of 1964, is usually interpreted to allow natural disturbances, such as insect infestations, disease, blowdowns, and fire, to occur without human intervention. Examining other policies that define and guide "natural" processes was not part of the Team's assignment.

Concerns And Views

As stated in the Team's charter, "the objective of the review process is to determine the appropriate fire policies for national parks and wilderness which addresses the concerns expressed by citizens and public officials about the management of fires on these lands as a result of the Yellowstone fire situation."

To gather information about those concerns, individual members of the team, assisted by representatives of the National Fire Protection Association, the Western Governors Association, and the academic community, met with or called a number of knowledgeable persons, including governors, local government officials, concessioners and outfitters, individuals with businesses in nearby communities, organizations with an interest in parks and wildernesses, academicians, and others. The Team also reviewed letters, summaries of correspondence, and many newspaper and journal articles related to fire management policy.

The concerns can be summarized as follows:

- Definition of prescribed fire conditions and limitations was inadequate.
- There was little opportunity for citizen participation in the development of fire management plans.
- The interdependence of park/wilderness and nearby communities was ignored in the implementation of fire management programs.
- Adequate communication and information before and during fires, whether wildfires or prescribed, was lacking.
- There appeared to be waste in the application of fire management policies, in natural resources that might have been utilized rather than burned, in the on- and off-site effects of fire on available recreation sites, wildlife habitat and forage, soil erosion, and damage to watershed, and in the costs of firefighting.
- An inadequate number of planned prescribed fires have been conducted to reduce the amount of hazard fuels.

- There were unnecessary interagency conflicts.

- Authority for action in fire management needed to remain with line officials in the field, not centralized in Washington.

There are also concerns with strongly held conflicting views. The three principal areas are:

- The definition of "naturalness" and its application in driving fire management policy;
- The extent to which planned prescribed burning (fires set by management) is used in reduction of hazard fuel in the Northern Rockies; and
- Whether the fires in 1988 were allowed to burn more extensively than they should have before suppression actions were taken.

Not all comments were critical of Federal efforts to manage fire:

- The role of fire in managing vegetation and wildlife habitat was noted by many.
- The bravery and competence of fire suppression personnel were frequently extolled.
- Examples were mentioned of individual and agency actions to inform the public, to protect life and property, and to minimize disruptions during and after the fires.
- There are many positive effects from prescribed natural fires. Overreaction to the events of 1988 should not be used to justify severe curtailment of their use.

Policy Options

Fire management policy options range from immediate control of all fires to allowing all wildland fires to burn. The team considered the full range following its discussion with interested parties and agency personnel.

The great majority of comment from knowledgeable people indicated support for the careful use of prescribed burns and prescribed natural fires, in accordance with publicly reviewed management plans. There was also general agreement that such policy must be executed in ways that give the fullest possible assurance that human lives and property or special resources will not be lost or seriously impaired.

Federal Fire Policies

Traditionally, the fire policies of Federal land management agencies were to control all wildland fires as promptly as possible. When initial attack failed in controlling a fire the first day, personnel and equipment were organized to control the fire by 10:00 a.m. the succeeding day.

Current fire management policies among the Federal agencies reflect similar evolutions and are similar in scope and intent. Fire management programs and activities are conducted in support of land and resource management plans and objectives. Two kinds of wildland fires are recognized: prescribed fires and wildfires. Prescribed fires may be ignited, or allowed to burn, under specified conditions to achieve established management objectives. Any other fire is considered a wildfire, and appropriate suppression action is taken on all wildfires. Suppression strategies considered in determining the appropriate action range from prompt control, minimizing acreage burned, to more indirect suppression action to contain or confine wildfires when these alternatives are less costly than control in terms of suppression cost, damage from fire, and other adverse impacts.

These policies as applied to parks and wildernesses, implemented in 1968-85, allow for the prescribed use of fire, either by natural or human-caused, in support of land management objectives. The suppression of all wildfires is required, using economically efficient and environmentally compatible methods. All prescribed fires require pre-planning and decision criteria addressing expected fire behavior and effects.

Prescribed fires may be used to achieve agency land or resource management objectives defined in fire management plans. The following considerations are to be addressed in such plans: management objectives for the area, historic fire occurrence, natural role of fire, proposed degree of suppression, expected fire behavior, acceptable suppression techniques, adequate buffer zones, smoke management, and effects on adjacent land owners.

Prescribed fires are to be conducted only when the following conditions are met:

- They are conducted by qualified personnel under written prescriptions (prescribed fire plan).
- They are monitored to assure they remain within prescription.

Prescribed fires that exceed the limits of an approved fire plan will be reclassified as a wildfire. Once classified as a wildfire, the fire will be suppressed and will not be returned to prescribed fire status.

The important implications of these policies for parks and wilderness areas are:

- It allows managers to restore and maintain the natural role of fire on land when the land management objective is

to perpetuate natural processes and values.

- Fire can be used as an important management tool to reduce fuel accumulation, control fire hazard around developments and along boundaries, and to meet other management needs.
- All fires are treated as wildfires, subject to appropriate suppression action, unless a plan is in place that describes the conditions under which prescribed fire will be allowed to burn. Both natural and management-caused ignitions are allowed.
- A prescribed fire must be declared a wildfire when it exceeds prescribed conditions.
- There is flexibility for fire management plans to address the unique characteristics and objectives of specific parks and wildernesses.

Fire management plans for national parks and wilderness areas are subject to National Environmental Policy Act (NEPA) compliance.

History And Experience With Natural Fire Programs

Following prescribed burning experience in the Everglades in the 1950's, the National Park Service began to change its fire suppression and prescribed burning policies in 1968 to accept a more natural role of fire in park ecosystems. Lightning-caused fires were allowed to burn under specified conditions in Sequoia-Kings Canyon National Parks that year, followed by a similar program in another 7 parks between 1968 and 1972. In the decade that followed, another 26 parks began some parts of the prescribed fire program (Appendix, Table 1).

The purpose for this policy change was to restore fire to a more natural ecological role. "Naturalness" is defined as those dynamic processes and components which would likely exist today, and go on functioning, if technological humankind had not altered them. (For those concerned about "exclusion of man from nature," the term "wildness" may be more satisfactory; but it is not likely to displace the word "naturalness" in the common vernacular.)

No ecosystem today is totally unaltered by technological humankind. However, extensive areas in which the achievement and maintenance of naturalness is a basic purpose are increasingly important to humankind. These areas are found primarily in national parks and wildernesses. They serve as invaluable scientific benchmarks; and the uniqueness imparted by their natural qualities is irreplaceable as a source of human

inspiration and enjoyment. Those natural qualities differ in each area. They are compromised by the effects of necessary and appropriate provisions for enjoyment of parks, the impacts of other uses under legislative mandates governing non-park wilderness and by potential adverse impacts outside of unit boundaries. Each unit in its management plan describes how it will attain the objective of naturalness.

In those parks and wildernesses where fire has been a historic component of the environment, it is critical to management objectives to continue that influence. An attempt to exclude fire from these lands leads to major unnatural changes in vegetation and wildlife from that which would occur without fire suppression, as well as creating fuel accumulation that can lead to uncontrollable, sometimes very damaging, wildfire. Current fire management policy allows for inclusion of naturally occurring fire on these lands, to the extent possible, as well as the use of prescribed burns to bring these areas back into a more natural condition of fire hazard and occurrence, and to reduce the risk of damage from fire to improvements within these areas and to improvements and resources on adjacent lands.

Lightning fires are permitted to burn in designated zones within 46 areas managed by the National Park Service. Nearly 58 million acres of national parks are classified natural fire zones, including 50 million acres in Alaska alone. A total of 58 national park areas use human-ignited prescribed burns to simulate the role of natural fire in certain ecosystems.

The USDA Forest Service also began allowing lightning-caused fires to play a more natural role in wilderness in 1972, when exceptions to the policy of suppressing all fires were approved by the Chief. By 1976, policy exceptions allowing lightning-caused fires to burn under carefully prescribed conditions had been put into effect in parts of the Selway-Bitterroot, Gila, and Teton wildernesses of Idaho, New Mexico and Wyoming.

In 1978, authority to approve wilderness fire management plans was delegated to Regional Foresters as part of a revised policy that called for "fire management programs" as contrasted with previous "fire control programs." This revision—which is current policy—provided for "well-planned and executed fire protection and fire use programs that are cost effective and responsive to land and resource management goals and objectives".

Forest Service wilderness fire management policy was again revised in 1985, following public review and comment, clarifying wilderness fire management objectives and the use of prescribed fire within wilderness. Forest Service ignited prescribed fires were authorized when necessary to meet the objectives of (1) allowing lighting fires to play their natural role to the extent possible and (2) reducing the risk of wildfire within wilderness to life and property, and to life, property, and resources outside of wilderness to an acceptable level.

The Bureau of Land Management uses prescribed fire extensively to meet resource and fire management objectives. However, the use is almost exclusively through planned ignitions. Prescribed natural fire is generally not used due to the predominance of fuel types having a high rate of spread (i.e. grass and brush) commonly found on Bureau-administered lands. Those few fire management plans that identify prescribed natural fire as a management strategy do so for lands located adjacent to wilderness managed by other agencies. The operational plans for these prescribed natural fire areas were developed through coordinated fire planning efforts with the adjacent federal wilderness management agency.

The Bureau of Land Management issued its first policy for the management of lands designated as wilderness study areas in 1979. This policy, which addressed fire management practices, was revised in 1987. Fire management policy for designated wilderness areas was issued in 1981.

The Fish and Wildlife Service manages seventy designated wilderness areas containing approximately 19 million acres; 97 percent of this acreage is in refuges located in Alaska. Prescribed natural fires are accommodated on these refuge wilderness areas through provisions in the Alaska Fire Plans in which Federal, state, Alaska Native Corporations, and general publics have participated. The experience of the period 1982-1988 demonstrates that prescribed natural fires occurring within these wilderness areas can be managed to meet the objectives of these coordinated plans.

Although the Bureau of Indian Affairs has only one Federally designated wilderness area, several tribes have designated areas within their reservations as tribal wilderness. Management of these tribal wilderness areas are based on tribally developed or approved plan and, in most instances, follow closely that outlined in the Wilderness Act of 1964. Lightning-

caused fires occurring within these designated areas may be allowed to burn provided they meet *all* requirements and constraints outlined in the area specific fire management plans. In addition, the use of planned prescribed fire to reduce natural fuel buildup has been widely practiced since the early 1940's. Records indicate that only one lightning-caused fire has occurred within the single Federally designated wilderness area on Indian lands, burning an area of approximately 350 acres. No attempt has been made, to date, to separate data on fires occurring on tribally designated wilderness areas from other fires occurring within reservation boundaries.

Results in National Parks:

Since the beginning of these programs in 1968 until 1987, more than 1600 lightning-caused fires have been permitted to burn more than 320,000 acres of national park land. Only one serious problem had developed—the Ouzel Fire on the Rocky Mountain National Park which threatened the adjacent community of Allens Park, Colorado. At the same time, more than 1400 prescribed burns were ignited by the park staff in 46 national park areas that covered more than 325,000 acres.

The burns were designed mainly to manage vegetation by simulating the natural role of fire in reducing fuel accumulations in order to modify plant succession and to help maintain ecosystem processes. Some of the benchmark fire management programs in national parks are those found in Sequoia-Kings Canyon and Yosemite National Parks in the Sierra Nevada, the Everglades National Park in Florida and Yellowstone and Grand Teton National Parks in the Rockies.

Results in National Forest wilderness:

Since 1972 when the USDA Forest Service began permitting lightning caused fires to play a more natural role in wilderness, 503 prescribed natural fires have burned nearly 210,000 acres within wilderness areas in the Northern and Intermountain Regions, the Forest Service Regions having the most active prescribed natural fire management programs. Of these fires, 23 became wildfires burning an additional 544,000 acres (14 of these escaped prescribed natural fires occurred in 1988). Four prescribed fires, burning 4,424 acres, have been ignited by the Forest Service in three different wilderness areas since management ignitions were permitted in 1985. (Appendix, Table 2 and 3.)

Findings

After review of policies, guidelines, fire management plans, draft fire reviews of the 1988 Greater Yellowstone

fires, and information obtained from written and oral communication with both Federal personnel and knowledgeable citizens, the Team has determined the following:

1. The prescribed natural fire policy in Federal agencies was designed to allow fires to play a more natural role in national parks and wilderness areas. There have been many notable successes in application of this policy. However, in some cases this policy has been interpreted to allow managers to manage prescribed natural fires with essentially no prescriptions.

- Restoration and maintenance of naturalness and natural processes are used as primary objectives of wilderness and national park prescribed fire programs. Exclusive focus on these objectives can lead to inadequate consideration for the positive and negative impacts of fire on uses such as recreation, wildlife habitat, grazing, and water quality.

- Current fire policy or guidelines are subject to abuse in that plans are developed and implemented that don't meet the literal requirements of policy.

- Some park and wilderness managers are reluctant to define size limits and specific prescriptions limiting prescribed natural fires.

- Misuses of the prescribed natural fire program could eliminate the program itself—and lose the benefits that derive from it.

2. The Team heard from agency employees who would welcome an expansion of policy to allow for fires to burn free of prescriptions and without being declared wildfires as long as such fires are not expected to cross administrative boundaries of a park or wilderness or endanger human life and property.

3. Although there are many outstanding examples of fire management plans in all agencies, the team found that some plans do not meet current agency or departmental policy and contain inadequate prescriptions.

- Some plans do not include the required set of prescription criteria for prescribed natural fire programs.

- Some plans do not adequately address suppression resource availability, values at risk outside of parks and wilderness, and the number of fires that can be managed at one time.

- Plans do not address cumulative effects of drought and other potentially important considerations.

4. Some fire management prescriptions do not place adequate limits on fire management decisions.

- Some prescribed fires that were ultimately declared wildfires were

interpreted to be within prescription until they reached an arbitrary limitation of a boundary of a park or wilderness boundary.

- Insufficient attention has been given to values at risk, both inside and outside parks and wilderness boundaries.

- There was insufficient consideration of the cumulative risks associated with multiple fires, large fires, or fires with especially active perimeters.

- Insufficient attention was given to the potential cost and damage associated with a prescribed fire later becoming a wildfire requiring suppression action.

5. Beyond being brought up to current standards, fire management programs would be strengthened by a combination of improved decision criteria in plans, additional fire expertise, and more direct line officer involvement.

- Critical decision points (e.g. decision trees) are often not identified in plans.

- Lack of resident fire expertise in some locations is critical.

- Lack of coordination of policy application for prescribed natural fire programs among and within agencies results in disparate treatment of fires and inconsistent decisions.

- Documentation of decisions is often lacking and does not demonstrate the involvement of some agency line officers.

- Some fire management plans do not include the latest technology.

- Plans are not complete in terms of indicators of long-term drought and impact on shared suppression resources.

- Variations in planning and decision processes result in decisions that appear illogical, create political and public concern for competence of the agencies, and render decisions to limit fire size ineffective.

- Prescribed natural fire programs do not adequately consider the impact on other interagency programs and resources.

6. The severity of the 1988 fire season in some areas of the West (the most severe on record in the Greater Yellowstone Area) revealed the risks inherent in managing wildland fires. These risks can include high fire suppression costs as well as unacceptable social, environmental and economic impacts, and natural resource losses.

7. Prescribed fire using planned ignitions (prescribed burning) complements the use of, and reduces the risk from, prescribed natural fires to achieve management objectives. However, there are factors constraining the use of planned ignitions in some areas.

- Planned ignitions have been used successfully in some national parks and wilderness to meet management objectives, reduce hazard fuel build-up, and establish fuel breaks.

- Planned ignitions have not been used in some cases due to the perceived risks from the results of high intensity crowning fires. Also, up-front budgetary costs have limited the use of planned ignitions. Planned ignitions have rarely been used in wilderness.

- Some people strongly support planned ignitions as a substitute for prescribed natural fires; others believe strongly that appropriate objectives cannot be achieved without prescribed natural fire.

8. The reduction of hazard fuels around structural developments, parks/wilderness boundaries, and private inholdings enhances the ability to protect these values at risk and reduces costs of wildfire suppression and prescribed natural fire.

9. Agency personnel development and training programs are not maintaining the number of personnel and levels of knowledge required to ensure proper and consistent application of policies and procedures.

- There is an inadequate number of professional managers in field locations with an understanding of fire management and fire management policies and practices.

- Some line officers are not requiring adherence to standards contained in fire management plans.

- Inconsistent application of required processes, such as the Escaped Fire Situation Analysis, leads to poor decisions.

- Some incident management teams, fire professionals, and line officers lack knowledge of suppression tactics necessary under extreme conditions.

- Consideration of suppression costs and potential damage related to fire suppression alternatives and decisions is not adequately documented in Escaped Fire Situation Analyses.

- Some agency fire staffs are not able to maintain expertise in fire management because of infrequent fire occurrences at their location and lack of career mobility or opportunity to gain experience in other locations.

10. The environmental effects of prescribed natural fire within wilderness and park boundaries are usually consistent with natural resource objectives for these lands. However, in some cases the social and economic impacts outside these boundaries may be unacceptable due to smoke, threats to public safety, reduced tourism, loss of income and jobs, and reduced water quality.

11. Inconsistent dissemination of information, inadequate public participation, and a perception of failure to consider some social, environmental, and economic impacts on local businesses and communities are strong issues with the public and political leaders.

- There is a great diversity of views within and outside agencies regarding the basis and the primary objectives of natural fire programs.

- Adequate public involvement may not have occurred in the development of some prescribed natural fire management plans.

- The primary message communicated by agencies continued to be the biological value of prescribed natural fire to vegetation and wildlife even after the fires had been declared to be wildfires.

- There was a lack of uniform, consistent, adequate information on the location of the fires, planned fire management actions, and their implications for the public in terms of road closures, smoke, and other effects on local populations and visitors.

12. Budget structure and funding in the Departments of Agriculture and Interior create the following effects:

- The level of expertise and professionalism needed for the broad spectrum of fire management and use program may not be available to support management objectives in all agencies.

- Dissimilarities between the two departments in the ways in which programs are funded and differences in agencies' terminology inhibit the ability to cooperate and coordinate in prescribed fire program on mutual boundaries.

- These also cause disparate treatment of naturally occurring fires in determining whether they are designated as prescribed fires or wildfires. Forest Service and Bureau of Land Management policies require that prescribed fires be managed with appropriated funds from the benefiting program. The National Park Service manages prescribed natural fires with emergency funds.

- Hazard fuel reduction programs have not been adequately funded in some cases.

- Very limited appropriated funds are allocated to develop expertise and apply prescribed fire in parks and wildernesses.

- There is an inadequate number of professionals in Federal agencies in fire management programs. Fire management planning and application is a collateral duty at some major parks.

- Agency budgets for suppression activities have declined in real dollars in recent years.

- National Park Service is completing an analysis of normal fire year operations, FIREPRO III, in order to define essential minimum wildland fire program needs.

13. Lack of clear definition and inconsistent implementation of "light hand on the land" suppression tactics raise serious questions over the management of fires in 1988.

- The public, employees, and cooperators became confused by mixed messages about the intensity of suppression efforts and the objectives to be achieved.

- Incident commanders received unclear direction about the use of certain suppression tactics, which were sometimes in conflict with the selected suppression alternative.

14. Research and analysis are needed to provide tools for management of fire management programs.

- Normal climatic patterns are ordinarily used for projections, yet prolonged drought periods may result in changes in weather patterns that have an abnormal effect on fires and cause an inability to project fire behavior accurately.

- There is little agreement on whether management objectives can be achieved through planned ignitions when they result in high intensity crown fire.

- Analyses of fire history, occurrence, size, and effects are insufficient for many areas.

- Reliable methods for long-term weather prediction do not exist.

- There are a number of issues concerning the natural fire regime and fire management in subalpine ecosystems vegetated predominantly by lodgepole pine. These include such topics as whether fire behavior and effects from the 1988 fires were as predicted from pre-1988 research and modelling, whether prescribed burning in these ecosystems can be implemented to establish mosaics that would inhibit large scale, uncontrollable fires, and whether conservation of biotic diversity on a shorter scale (less than 300 to 400 years) is feasible and/or desirable.

15. The Team heard claims that some managers with philosophies advocating naturalness above all else intentionally allow fires to burn outside of prescriptions and do not take the appropriate suppression actions required on a wildlife—allegations that these fires are allowed to burn freely as long as the fire is not expected to leave the boundary of a park or wilderness. These allegations were not supported by anything in the draft fire reviews

received to date. The team did not have the mandate to investigate and verify or disprove the allegations.

Recommendations

The Team recommends that the Secretaries of Agriculture and the Interior implement the following policy and direction:

1. Existing USDI and USDA fire management policies governing wilderness and parks must be strengthened and reaffirmed to limit their application to legitimate prescribed fire programs. Clarification is needed to prevent inappropriate use of fundamentally sound policies.

2. The agencies reaffirm their policies that fires are either prescribed fires or wildfires. The agencies reject as impractical and unprofessional the practice that fires can be allowed to burn free of prescriptions or appropriate suppression action.

3. USDA and USDI agencies will review fire management plans for parks and wilderness for compliance with current policy, direction, and the additional requirements recommended by this report. No prescribed natural fires are to be allowed until fire management plans meet these standards.

4. Current fire management plans must be strengthened by:

a. Developing joint agency fire management plans, agreements, or addendums to existing plans for those areas where fires could cross administrative boundaries. These will include agreement on processes and criteria to be used to make decisions on prescribed vs. wildfire and suppression strategies and tactics.

b. Including a comprehensive set of criteria which will be used in deciding whether or not to allow natural ignitions to burn as prescribed fires. In addition to those criteria currently required and commonly used, the following factors will be considered:

(1) Energy release component.
(2) 1000-hour fuel or duff moisture content.

(3) Appropriate consideration of the national and regional fire situation, including the numbers of fires and amount of available resources to suppress them.

(4) Limits on numbers of fires burning in the planning unit at one time.

(5) Limits on projected length of active perimeter and acreage burned.

(6) Indicators of cumulative drought effects on fire behavior.

(7) Potential impacts upon visitors, users, and local communities, both on and off site.

c. Clearly describing the decision process and factors to be addressed before a fire is declared a prescribed natural fire.

d. Including criteria to be used in declaring a prescribed fire a wildfire. There must be interagency agreement on these factors in areas where fire may move across administrative boundaries and shared suppression resources may be required.

e. Clearly identifying areas that need protection from fire, such as developments within or adjacent to wilderness and park boundaries. Fire management plans should also include actions that are to be taken, such as hazard fuel reduction or installing fuel breaks, to protect such developments or areas.

f. Clearly stating the management objectives being addressed by the prescribed natural fire program.

g. Clearly describing the process to be used to ensure adequate public involvement and coordination with local governments.

5. Agencies will develop regional and national contingency plans and procedures and provide the appropriate program monitoring and direction, including curtailment of prescribed fire activities when necessary.

6. The responsible line officer or designee shall certify in writing daily that adequate resources are available to ensure that each prescribed natural fire will remain within prescription, given reasonably foreseeable weather conditions and fire behavior. If the fire exceeds or threatens to exceed prescription and cannot be kept within or returned to prescription with available forces and funds, it shall be declared a wildfire and appropriate suppression action initiated.

7. Agencies must re-evaluate the opportunities to use prescribed burning (by planned ignitions) to achieve management objectives and to complement prescribed natural fire programs. Additionally, hazard fuels must be reduced to protect selected areas, particularly developments within and adjacent to boundaries, from prescribed natural fire and high wildfire risk. Fuels will be treated along park and wilderness boundaries or internally where there are high values at risk.

8. Prescribed fire program management will be improved by establishing properly staffed regional as well as unit level prescribed fire program management organizations.

a. Agencies will ensure the availability of qualified staff and knowledgeable line officers for

developing, implementing, and managing prescribed fire programs.

b. National Park Service regional offices will establish a full-time regional fire coordinator to develop and oversee park programs in accordance with FIREPRO III, where appropriate.

c. Agencies will implement the concept of highly trained, well-equipped and mobile tactical teams to provide on-the-ground monitoring and management of national park and wilderness fires.

d. Agencies will ensure the strengthened policy is understood and implemented by all appropriate personnel.

e. Agency managers will assure that personnel develop a thorough understanding of the management objectives for the lands they are managing.

f. The National Park Service is to complete an analysis of normal fire year operations, FIREPRO III, in order to define essential minimum wildland fire program needs and to take action to meet those needs.

9. Additional interagency emphasis will be given to addressing opportunities for improving fire management programs.

a. The National Wildfire Coordinating Group (NWCG) charter should be expanded specifically to include prescribed fire program coordination.

b. The NWCG should take the lead in developing common terminology for prescribed burning programs and describing wildfire suppression alternatives.

c. Agencies will develop joint criteria for selecting appropriate suppression tactics in wilderness and parks. Preplanning should include these tactics.

d. Agencies will improve the understanding and acceptance of using appropriate suppression tactics that meet fire management objectives and minimize the adverse impact on wilderness values and park resources.

10. Agencies will ensure that the NEPA process is followed for fire management plans. Agencies will increase opportunities for public involvement and coordination with state and local government when revising or developing fire management plans.

11. Interpretation and public information before and during fires will be improved.

a. Agencies will ensure that timely, accurate, and consistent information is provided for the public on the purpose, presence, and status of prescribed natural fires, as well as impacts on the

community due to closed roads, trails, smoke, back country restrictions, and other effects.

b. Interpretive and fire status messages are for different purposes, and agencies should strive to keep them separate and distinct.

c. Agencies will develop a common terminology for prescribed natural fire programs.

12. USDI and USDA will review the methods of funding prescribed fire and fire protection programs with the objective of improving interagency program effectiveness. Planning and suppression activities should be financed by program funds rather than through emergency fund transfers and supplementals.

13. There is a need for additional research related to fire management programs.

a. USDI and USDA will develop coordinated research programs utilizing the unique capabilities of both organizations.

b. The feasibility of prescribed burning forests using stand replacement fire will be investigated and tested by implementing an appropriate interagency field research program.

c. Research will be increased to improve the ability to predict severe fire behavior, conduct long-term weather forecasting, and identify past abnormal events.

d. Efforts will be undertaken to develop and implement an expert system that integrates a wide array of fuel, topographic, weather, climatological, fire behavior, and other information and readily displays such information in an interactive mode for the user at a computer terminal. This expert system would help to assure that important variables are not overlooked as decisions are made regarding long duration fires.

e. Efforts will also be undertaken to develop comprehensive data bases for park and wilderness resources and provide for state of the art analyses and display as well as an efficient, continuous monitoring system to insure timely update of information.

f. Development of additional emission factors for wildland fuels and better methods for projecting air quality impacts of prescribed and wildfires are needed, since smoke and air pollution are major considerations in deciding when to terminate prescribed natural fires and in scheduling prescribed burns.

14. The agencies will cooperate fully

in determining whether allegations of misuse of policy are true and take measures to ensure that any such practices not occur in the future.

Issues Needing Further Analyses

Following are fire management policy issues that would require more time than the team had available to work out suitable solutions. Resolution of these issues is not critical to fire management readiness for the 1989 fire season, but they should be pursued during the further evolution and improvement of Federal fire management policy and application. They are:

1. Validation of the relationship between current fire management information system components (i.e., drought index, energy release component, 1000 hour fuel moisture, etc.) with actual fire occurrence, severity and size is needed.

2. Development of compatible interagency fire planning methods.

3. Determination of the effect of budgetary constraints and funding sources on fire management programs.

4. Determination of the current and future effects of residential and commercial development on the ability to design and implement prescribed fire programs, including examination of the interrelationship between fire management plans and local planning and zoning functions.

5. Inventory of forest types and locations subject to infrequent but intense large fires, their historic occurrence in terms of drought cycles, and definition of policies to be applied in each case relative to desired results to be achieved.

6. Examination of the adequacy and consistency of application of current fire suppression and prescribed fire cost analysis and risk assessment procedures.

7. Development of interagency guidelines for "light hand on the land" suppression tactics by the National Wildfire Coordinating Group.

8. Development of a better understanding of agency objectives as they relate to fire planning standards and decision criteria.

9. Reexamination as to whether human-caused fires (not ignited by management) should be managed as prescribed natural fires in certain well-defined circumstances.

10. Additional studies of fire history, occurrence, and size in parks and wildernesses.

Appendix—Historical Data of Prescribed Fire Programs of the USFS and NPS.

TABLE 1. PRESCRIBED FIRE OCCURRENCE, THE NATIONAL PARKS SERVICE 1968-87

[Data obtained from NPS Wildland Fire Management Computer System, 1988]

	Area size (acres)	Prescribed fire			
		Lightning ignitions		Human ignitions	
		Num- ber	Acres	Num- ber	Acres
NPS units by region					
Alaska Region					
Bering Land Bridge	2,784,960	6	452		
Denali	6,028,091	23	44,110		
Gates of the Arctic	8,472,517	23	8,560		
Noatak	6,574,481	13	28,981		
Wrangell-St. Elias	13,188,325	7	134		
Yukon-Charley Rivers	2,523,509	13	44,778		
Mid-Atlantic Region					
Delaware Water Gap	66,637			2	11
Midwest Region					
Fort Larned	718			20	572
George Washington Carver	210			14	66
Herbert Hoover	187			7	50
Homestead	195			20	327
Indiana Dunes	13,815			8	333
Isle Royale	571,790	6	1		
Ozark	80,788			69	889
Pipestone	282			25	708
Scotts Bluff	2,997			6	1,871
National Capital Region					
George Washington Memorial Parkway	7,131			2	1
Rock Creek	1,754			5	1
North Atlantic Region					
Cape Cod	43,556			8	3
Pacific Northwest Region					
Crater Lake	183,224	44	682	21	5,402
John Day Fossil Beds	14,014			3	15
North Cascades	504,781	58	231		
Olympic	921,935	3	179		
San Juan Island	1,752			3	1
Whitman Mission	98			6	105
Parks and monuments by region					
Rocky Mountain Region					
Badlands	243,302			5	4,543
Dinosaur	211,142	193	4,176	2	1,441
Fort Laramie	833			4	165
Glacier	1,013,572	4	2		
Grand Teton	310,521	32	7,759		
Rocky Mountain	265,200	6	1,051		
Wind Cave	28,292	6	309	26	7,630
Yellowstone	2,219,785	152	34,140		
Zion	146,598	24	335	5	37
Southeast Region					
Big Cypress	570,000	37	9,829	168	68,253
Biscayne	173,039			4	17
Blue Ridge Parkway	85,993			3	4
Cape Hatteras	30,319			7	99
Chickamauga and Chattanooga	8,103			5	2
Cumberland Island	36,415			8	216
Everglades*	1,398,938	337	128,255	245	185,337
Shiloh	3,848			3	11
Southwest Region					
Arkansas Post	389			9	52
Bandelier	32,737	5	34	21	311
Big Bend	735,416	26	462	8	24
Big Thicket	85,774	4	40	33	6,225
Buffalo	94,219			13	285
Carlsbad Caverns	46,755	14	3,063	7	80
Fort Union	721			2	2
Jean Lafitte	20,000			2	77
Lake Meredith	44,878			10	160
Lyndon B. Johnson	1,571			4	109
Sunset Crater	3,040	2	1		
Wupatki	35,253	2	4		
Western Region					
Golden Gate	73,117			6	17
Grand Canyon	1,218,375	81	3,723	19	3,148
Joshua Tree	559,954	4	20	3	12
Lassen Volcanic	106,372	18	9		
Lava Beds	46,560	3	32	4	481
Pinnacles	16,265	8	1,993	86	7,861
Point Reyes	71,046	12	653	57	2,504

Parks and monuments by region					
Redwood.....	110,178	2	2	6	135
Saguaro.....	83,574	36	42	3	105
Santa Monica Mountains.....	150,000			3	105
Sequoia and Kings Canyon.....	863,683	384	32,518	48	8,247
Whiskeytown.....	42,503			8	99
Yosemite.....	761,170	333	34,998	75	26,802
Totals.....		1,921	391,538	1,131	334,931

* Research begun in 1951.

TABLE 2. FOREST SERVICE WILDERNESS FIRE MANAGEMENT PROGRAM HISTORY AND ACCOMPLISHMENTS (REGIONS 1 AND 4)

[The following information is provided for wilderness areas in Regions 1 and 4. These two regions have the most active wilderness prescribed fire program in the Forest Service.]

	Wilderness fire management history, 1972-88					
	# Pre-scribed natural fires	Acres burned	# That be-came wild-fires	Acres burned	# Wild-fires sup-pressed	Acres burned
R-1.....	378	160,583	9	324,126	1,402	291,967
R-4.....	135	49,035	14	219,813	616	550,685
Total.....	503	209,618	23	543,939	2,018	842,652

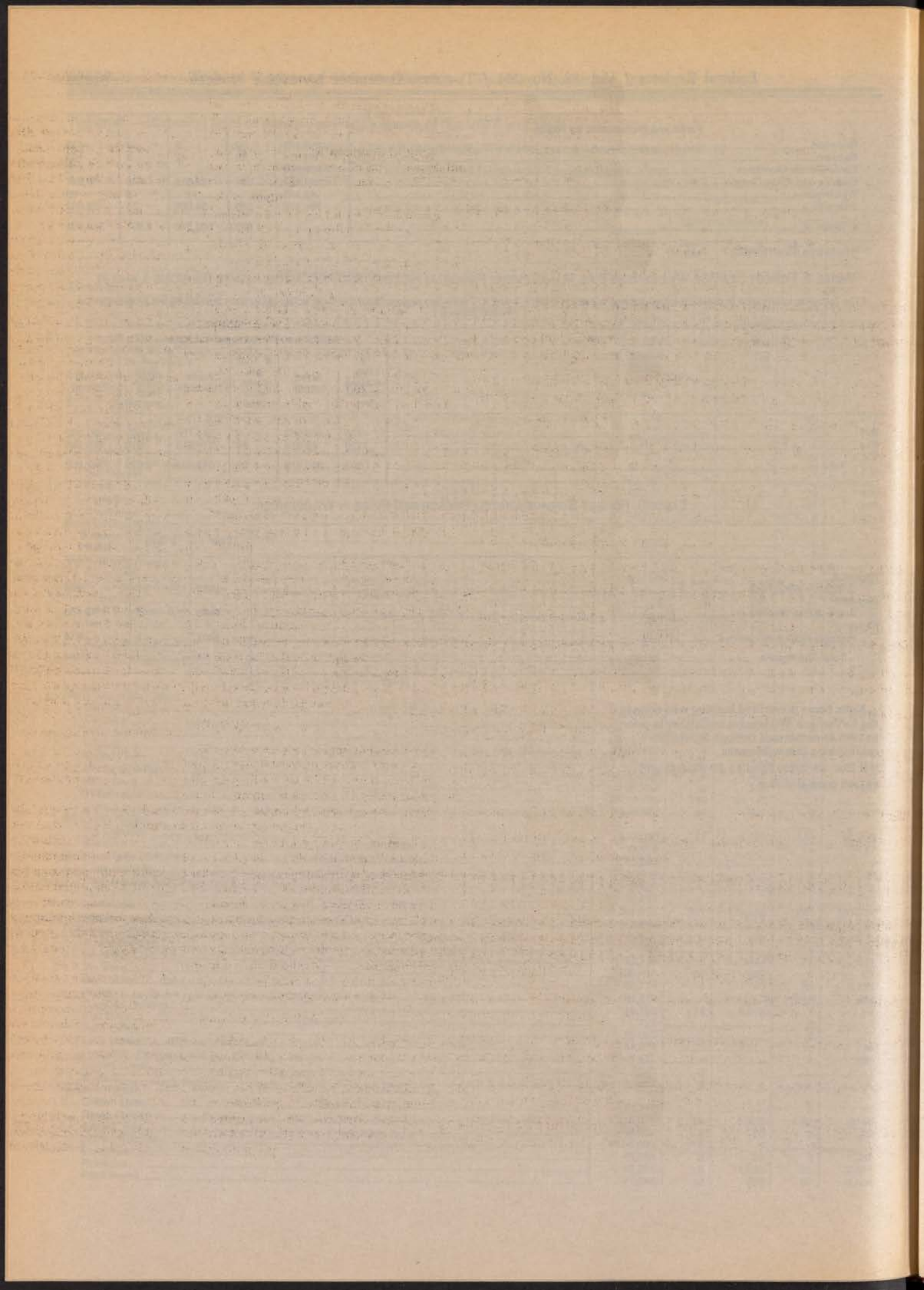
TABLE 3. FOREST SERVICE IGNITED PRESCRIBED FIRES IN WILDERNESS

	Year	# fires	Acres burned
<i>Region 3</i>			
Chiricahua Wilderness.....	1988	1	606
<i>Region 8</i>			
Bradwell Bay Wilderness.....	1988	2	3,000
<i>Region 9</i>			
Hercules Glades Wilderness.....	1987	1	818
Total—all regions.....	4		4,424

Note: Some prescribed burning was done in the LaVentana Wilderness in California prior to 1985 as authorized through legislation establishing this wilderness.

[FR Doc. 88-29156 Filed 12-19-88; 8:45 am]

BILLING CODE 4310-70-M



Registered Federal Reporter

**Tuesday
December 20, 1988**

Part IV

Office of Management and Budget

**Cumulative Report on Rescissions and
Deferrals; Notice**

OFFICE OF MANAGEMENT AND BUDGET**Cumulative Report on Rescissions and Deferrals**

December 1, 1988.

This report is submitted in fulfillment of the requirement of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of

December 1, 1988, of 14 deferrals contained in the first two special messages of FY 1989. There have been no rescissions proposed. These messages were transmitted to the Congress on September 30, and November 29, 1988.

Rescissions (Table A and Attachment A)

As of December 1, 1988, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of December 1, 1988, \$8,686.6 million in budget authority was being deferred from obligation. Attachment B

shows the history and status of each deferral reported during FY 1989.

Information from Special Messages

The special messages containing information on the deferrals covered by this cumulative report are printed in the **Federal Register** as listed below:

Vol. 53, FR p. 39879, Wednesday, October 12, 1988

Vol. 53, FR p. 49530, Wednesday, December 7, 1988

Joseph R. Wright, Jr.,
Director.

BILLING CODE 3110-01-M

TABLE A
STATUS OF 1989 RESCISSIONS

	Amount (In millions of dollars)
Resciissions proposed by the President.....	0
Accepted by the Congress.....	0
Rejected by the Congress.....	0
Pending before the Congress.....	0

TABLE B
STATUS OF 1989 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	8,942.5
Routine Executive releases through December 1, 1988 (OMB/Agency releases of \$262.0 million and cumulative adjustments of \$6.0)	-255.9
Overtured by the Congress.....	0
Currently before the Congress.....	8,686.6

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1989

As of December 1, 1988 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								

NONE

Attachment B - Status of Deferrals - Fiscal Year 1989

As of December 1, 1988 Amounts in Thousands of Dollars	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 12-1-88
Agency/Bureau/Account									
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military sales credit.....	D89-11	4,122,750		11-29-88					4,122,750
Economic support fund.....	D89-01	592,760		09-30-88					2,390,810
	D89-01A		2,054,000	11-29-88	255,950				457,000
Military assistance.....	D89-12	457,000		11-29-88					37,400
International military education and training.....	D89-13	37,400		11-29-88					
Agency for International Development									
International disaster assistance.....	D89-14	18,125		11-29-88					18,125
Special Assistance for Central America Promotion of stability and security in Central America.....	D89-2	1,000		09-30-88					1,000
DEPARTMENT OF AGRICULTURE									
Forest Service									
Expense, brush disposal.....	D89-3	144,649		09-30-88					144,649
Cooperative work.....	D89-4	335,263		09-30-88					335,263
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense.....	D89-5	1,212		09-30-88					1,212
DEPARTMENT OF ENERGY									
Power Marketing Administration									
Southwestern Power Administration, Operation and maintenance.....	D89-6	2,800		09-30-88					2,800

Attachment B - Status of Deferrals - Fiscal Year 1989

As of December 1, 1988 Amounts in Thousands of Dollars	Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congress- ionally Required Releases	Congress- ional Action	Cumulative Adjustments	Amount Deferred as of 12-1-88
DEPARTMENT OF HEALTH AND HUMAN SERVICES										
Social Security Administration Limitation on administrative expenses (construction).....	D89-7		6,745		09-30-88					6,745
DEPARTMENT OF JUSTICE										
Office of Justice Programs Crime victims fund.....	D89-8		90,000		09-30-88					90,000
DEPARTMENT OF STATE										
Bureau for Refugee Programs United States emergency refugee and migration assistance fund, executive.....	D89-9 D89-9A		26,135	27,000	09-30-88 11-29-88	6,001			6,001	53,135
DEPARTMENT OF TRANSPORTATION										
Federal Aviation Administration Facilities and equipment (Airport and airway trust fund).....	D89-10 D89-10A		823,608	202,084	09-30-88 11-29-88					1,025,692
TOTAL, DEFERRALS.....			6,659,446	2,283,084		261,951	0		6,001	8,686,581

[FR Doc. 88-29192 Filed 12-19-88; 8:45 am]

BILLING CODE 3110-01-C

Register

Federal

Tuesday
December 20, 1988

Part V

The President

**Executive Order 12660—National
Microgravity Research Board**

January 1, 1953
December 30, 1952

January 1, 1953

January 1, 1953

Part V

The President

Executive Order 12000—National

Emergency Research Board

Presidential Documents

Title 3—**Executive Order 12660 of December 16, 1988****The President****National Microgravity Research Board**

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in the pursuance of assuring and coordinating a broader range of opportunities for research in microgravity conditions, I hereby order as follows:

Section 1. Establishment. (a) There is hereby established the National Microgravity Research Board (hereinafter, "the Board").

(b) The Board shall be composed of the following members, or their designees:

(1) the Administrator of the National Aeronautics and Space Administration, who shall serve as Chairman;

(2) the Secretary of State;

(3) the Secretary of Defense;

(4) the Secretary of Commerce;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Transportation;

(7) the Secretary of Energy;

(8) the Director of the National Science Foundation; and

(9) the Secretary or Director of other agencies, and officials of the Executive Office of the President, as the President may from time to time designate.

(c) The Board shall report to the President through the Economic Policy Council as necessary.

Sec. 2. Functions. (a) The Board will consult with academia and private industry and other Federal agencies as appropriate in carrying out its functions.

(b) In furtherance of its responsibilities, the Board shall:

(1) stimulate research in microgravity environments and the application thereof to commercial uses;

(2) advise Federal agencies on microgravity research priorities and opportunities;

(3) develop policy recommendations relating to the conduct and nature of microgravity research, including types of research; government, industry, and academic cooperation; and increased access to space, including a potential launch voucher program for microgravity research purposes; and

(4) provide advice on coordinating the microgravity programs of Federal agencies by:

(i) reviewing agency plans for microgravity research and recommending priorities for the use of federally owned or leased space on microgravity facilities;

(ii) ensuring that agencies establish merit review processes for evaluating microgravity research proposals;

(iii) promoting transfer of federally funded microgravity research in furtherance of Executive Order No. 12591; and

(iv) providing oversight of Federal agency participation in international micro-gravity research programs.

(c) The Board shall meet as requested by the President, the Chairman, or the membership.

Sec. 3. Board Termination Date. Unless extended by the President, the Board shall terminate 5 years after the date of this Order.

Ronald Reagan

THE WHITE HOUSE,
December 16, 1988.

[FR Doc. 88-29316

Filed 12-19-88; 10:56 am]

Billing code 3195-01-M

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Tuesday, December 20, 1988

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The list will be resumed when bills are enacted into public law during the first session of the 101st Congress, which convenes on January 3, 1989. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).